

Changes to Cal. Rules of Court and Judicial Council forms  
effective December 1, 2015, January 1, 2016, and July 1, 2016  
[Judicial Council meeting on October 27, 2015](#)

## Appellate

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**[Appellate Procedure: Record on Appeal–Civil Cases](#)** (revise forms APP-003, APP-010, APP-103, and form APP-110) The Appellate Advisory Committee recommends revising the forms for designating the record on appeal in unlimited and limited civil cases to (1) state that the fee waiver application is submitted with rather than attached to the record designation form; and (2) clarify that the respondent must pay for additional proceedings that he or she designates to be included in the record. The first change, which is based on suggestions from a superior court, is intended to avoid the unintentional release of confidential information and reduce court costs associated with identifying and detaching fee waiver applications from record designation forms. The second change is intended to eliminate confusion for litigants and reduce court costs associated with litigant errors caused by that confusion.

**[SPR15-01](#)**

**[Electronic Service: Authorization of Electronic Service on Trial and Appellate Courts](#)** (amend rules 2.251 and 8.71) The Appellate Advisory Committee and the Information Technology Advisory Committee recommend amending rules 2.251 and 8.71 of the California Rules of Court to authorize electronic service on consenting courts. There is some ambiguity in the current rules regarding whether electronic service is authorized not only by, but also on, a court. This rule proposal would add language to rules 2.251 and 8.71 to clarify that electronic service on a court is permissible under the rules.

**[SPR15-02](#)**

**[Appellate Procedure: Access to Electronic Appellate Court Records](#)** (adopt rules 8.80 – 8.85) The Appellate Advisory Committee and the Information Technology Advisory Committee recommend the adoption of new rules of court to address public access to electronic appellate court records. The proposed appellate rules are based on the existing rules regarding public access to electronic trial court records. The new rules are intended to provide the public with reasonable access to appellate court records that are maintained in electronic form while protecting privacy interests.

**[SPR15-03](#)**

**[Appellate Procedure: Prehearing Conferences](#)** (amend rule 8.248) The Appellate Advisory Committee recommends that rule 8.248, which governs prehearing conferences in the Court of Appeal, be amended to limit the circumstances under which a justice who participates in such a conference is barred from subsequently participating in or influencing the determination of the appeal to when settlement of the case was addressed at the conference. This proposal, which is based on a suggestion from the presiding justice of a Court of Appeal, is intended to facilitate the use of prehearing conferences in appellate proceedings for case management, which can save the parties and the appellate courts time and resources.

**[SPR15-04](#)**

**[Appellate: Appendixes](#)** (amend rule 8.124) The Appellate Advisory Committee proposes to amend the rule governing the use of appendixes in lieu of clerk's transcripts in unlimited civil appeals to eliminate the provision encouraging parties to prepare a joint appendix. This change is intended to reduce difficulties, and thus costs, for litigants associated with the efforts to reach a stipulation to use a joint appendix in cases in which litigants do not think this option is feasible.

**[SPR15-06](#)**

**[Appellate Procedure: Costs on Appeal](#)** (amend rule 8.278, and revise form MC-013) The Appellate Advisory Committee recommends amending the rule governing costs

**[SPR15-07](#)**

on appeal to modify when a request for costs must be filed. It also recommends revising the form for specifying these costs so that it is more consistent with the rule and better reflects appellate practice. These changes, which are based on a suggestion received from the State Bar of California’s Committee on Appellate Courts, are intended to improve the administration of appellate proceedings by making the time frame for filing a memorandum of costs clearer and by making the form easier for practitioners to complete and for courts to review.

## **Appellate/Civil and Small Claims**

**[Small Claims: Extraordinary Writs under Code of Civil Procedure section 116.798](#)** (amend rule 8.930; adopt rules 8.970-8.977; revise forms APP-150 INFO and APP-151 and adopt forms SC-300 and SC-300-INFO) The Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend new rules and forms to comply with a statutory mandate to develop procedural rules for certain writ proceedings on small claims rulings. The recommendation also provides clarifying amendments to current rules and forms that apply to writ proceedings in the appellate division, generally to the extent that those apply to small claims proceedings relating to postjudgment enforcement actions. **[SPR15-08](#)**

**[Civil Practice and Procedure: Evidentiary Objections in Summary Judgment Proceedings](#)** (amend rules 3.1350 and 3.1354) To reduce the amount of facts and evidence presented in motions for summary judgment and not pertinent to a decision on the motion, the Civil and Small Claims Advisory Committee and the Appellate Advisory Committee recommend amending the California Rules of Court relating to summary judgment motions. Specifically, the committees recommend amending rule 3.1350 to define “material facts” and clarify that the separate statement of undisputed material facts in support of or opposition to a motion for summary judgment should include only material facts and not any facts that are not pertinent to the disposition of the motion. In addition, they recommend amending rule 3.1354 to eliminate one example of an objection on relevance grounds to evidence in support of summary judgment. **[SPR15-09](#)**

## **Civil and Small Claims**

**[Judicial Council Forms: Proof of Service](#)** (revise POS-040) The Civil and Small Claims Advisory Committee recommends revising Judicial Council form POS-040, Proof of Service—Civil to correct two legal errors in the current form. The recommended revisions to the form would conform it to statute. **[SPR15-11](#)**

**[Telephone Appearances: Time for Notice and Notice Form](#)** (amend rule 3.670; revise form CIV-020) The Civil and Small Claims Advisory Committee recommends amending rule 3.670(h) of the California Rules of Court to clarify requirements for serving notice of intent to appear in court by telephone. The recommended amendments would resolve an internal inconsistency in one provision and address an ambiguity in another. The committee also recommends revising the Notice of Intent to Appear by Telephone (form CIV–020), to update rule references and clarify the included instructions. **[SPR15-12](#)**

## **Criminal**

**[Criminal and Traffic Procedure: Appearance in Court for Infractions Without Deposit of Bail](#)** (amend rule 4.105) The Criminal Law and Traffic Advisory Committees recommend amendments to rule 4.105 of the California Rules of Court to apply the rule to nontraffic infractions and to require courts to consider the totality of **[SP15-06](#)**  
**Please note that this rule is**

the circumstances when setting bail amounts before trial. The committees also recommend adding advisory committee comments to clarify the scope of the rule and explain that the totality of the circumstances may include whether the bail amount would impose an undue hardship on the defendant. The amendments were developed in response to recent Judicial Council directives to expand the application of the rule and promote access to justice in all infraction cases.

**eff. 12/1/15**

**Criminal Procedure: Petition and Order for Dismissal** (revise forms CR-180 and CR-181) In response to legislation that provides a new statutory basis for dismissals, the Criminal Law Advisory Committee recommends revising the Petition for Dismissal (form CR-180) and Order for Dismissal (form CR-181) to add data fields to facilitate dismissals under Penal Code section 1203.49 for victims of human trafficking. The committee also recommends revising both forms to incorporate reductions of misdemeanors to infractions under Penal Code section 17(d)(2) and to improve the format, advisements, and instructions on both forms.

**SPR15-14**

**Criminal Procedure: Petition and Order for Dismissal (Military Personnel)** (approve forms CR-183 and CR-184) The Criminal Law Advisory Committee recommends two new optional forms, a Petition for Dismissal (Military Personnel) (form CR-183/MIL-183) and an Order for Dismissal (Military Personnel) (form CR-184/MIL-184), to facilitate court implementation of recent legislation that authorizes courts to order dismissal relief for certain defendants who acquired a criminal record due to a mental health disorder stemming from service in the United States military.

**SPR15-15**

## **Domestic Violence**

**Domestic Violence: Request to Modify or Terminate Domestic Violence Restraining Orders; Family Law: Changes to Request for Order Rules and Forms** (amend rules 5.12, 5.62, 5.63, 5.92, and 5.151; adopt or approve forms DV-400, DV-400-INFO, FL-303, and FL-320-INFO; revise form DV-130, FL-300, FL-300-INFO, FL-305, FL-311, FL-312, FL-320, FL-336, FL-337, FL-341, FL-341(B), FL-341(C), FL-341(D), and FL-341(E)) The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2016, adopt, approve, revise, or amend domestic violence forms and family law rules and forms to (1) implement Family Code section 6345, which requires that the council establish procedures for requesting and recording the modification or termination of orders issued in Restraining Order After Hearing (form DV-130); and (2) respond to suggestions from judicial officers, court professionals, legal organizations, and family law attorneys to improve the Request for Order (form FL-300) and its associated rules and forms.

**SPR15-16**  
**Please note that these revisions are eff. 7/1/2016; forms will be distributed separately**

**Domestic Violence Law—Preparing for Restraining Order Court Hearing** (revise DV-520-INFO) Form DV-520-INFO, Get Ready for the Court Hearing, has been available for optional use by courts to provide information to litigants about preparing for a domestic violence restraining order hearing. While courts report finding the form helpful, they have also identified problems—for both courts and litigants—with the form. Accordingly, the Family and Juvenile Law Advisory Committee recommends revising the form so that it is clearer, is legally accurate, and as a result, accomplishes the original goal in approving this optional form: to inform litigants and assist in making these complex and important hearings run more smoothly.

**SPR15-17**

## **Family and Juvenile Law**

**Family and Juvenile Law: Juvenile Court Final Custody Orders** (amend rules

**SPR15-18**

5.475, 5.620, 5.700, and 5.790; revise forms JV-200 and JV-205; approve form JV-206) The Family and Juvenile Law Advisory Committee recommends amending four rules of court to clarify the procedures and requirements that apply when the juvenile court terminates its jurisdiction over a child and returns custody of the child to one or more parents. The committee also recommends revising two mandatory Judicial Council forms and approving one optional form to allow the juvenile court to include sufficient information about the circumstances underlying its custody order for the family court in which a request for the order's modification or termination is made to determine whether a significant change of circumstances has occurred and, if so, whether the requested modification is in the best interest of the child. The amendments and revisions also update references to current statutes and rules, incorporate gender-neutral language consistent with Assembly Bill 1403 (Stats. 2013, ch. 510) when appropriate, conform to recent case law, and maintain consistency with recent and recommended revisions to the Judicial Council forms for family court custody orders.

**Family Law: New Form and Revised Forms for Stepparent and Additional-Parent Adoptions** (approve form ADOPT-205; revise forms ADOPT-050, ADOPT-200, ADOPT-210, and ADOPT-215) Assembly Bill 2344, the Modern Family Act (Stats. 2014, ch. 636), expedites adoptions for nonbiological parents. Senate Bill 274 (Stats. 2013, ch. 564) amended the Family Code to provide that a child may have a parent-child relationship with more than two parents. The Family and Juvenile Law Advisory Committee recommends the Judicial Council approve creation of one new adoption form and revise four existing adoption forms. The revisions and the new form are required to implement these new California laws.

**SPR15-19**

**Juvenile Law: Extended Foster Care** (amend rules 5.555, 5.707, 5.812, and 5.906; revise forms JV-367, JV-464-INFO, JV-466, JV-470, and JV-472) The Family and Juvenile Law Advisory Committee proposes amending four of the California Rules of Court and revising five Judicial Council forms to (1) implement the provisions of Assembly Bill 2454 (Quirk-Silva; Stats. 2014, ch. 769) allowing specified youth to petition the court to assume jurisdiction over them as nonminor dependents, and to (2) provide further guidance on the implementation of prior legislation authorizing extended foster care to age 21. The rules and forms that currently allow youth to petition for reentry would be modified to accommodate these new petitioners. In addition, this proposal would clarify the requirements for other extended foster care processes to address concerns raised by courts as implementation has proceeded.

**SPR15-21**

**Juvenile Delinquency: Documenting Wobbler Determination** (revise form JV-665) The Family and Juvenile Law Advisory Committee recommends revising form JV-665, Disposition—Juvenile Delinquency, to clarify documentation of a wobbler (felony or misdemeanor public offense) determination and to make other nonsubstantive changes to improve the accuracy of the form.

**SPR15-22**

**Juvenile Law: Proceedings Before a Referee** (amend rule 5.538) The Family and Juvenile Law Advisory Committee recommends amending California Rules of Court, rule 5.538(b)(3), to make the rule consistent with a statutory change to Welfare and Institutions Code section 248, subdivision (b)(1). The amendment would permit a referee's findings and orders to be personally served in court on a party who is present at the hearing rather than exclusively by mail, as currently provided in the rule.

**SPR15-23**

**Juvenile Law: Detention** (rules 5.502, 5.760, and 5.790; revise forms JV-642 and JV-667) The Family and Juvenile Law Advisory Committee recommends amending three California Rules of Court and revising two forms to conform to legislative

**SPR15-24**

amendments to sections 635 and 737 of the Welfare and Institutions Code. The legislative amendments clarify that the basis for detaining a child must not be his or her status as a dependent of the court or the child welfare department's inability to provide a placement for the child, and add requirements to the 15-day reviews that occur when a child or nonminor dependent is detained pending execution of a placement order. The amendments and revisions ensure that the rules and forms are consistent with the amended law. They also make technical corrections and clarifications, including clarifying that home supervision does not qualify as a detention for the purposes of federal foster care funding.

[Juvenile Law: Substance Abuse Treatment Facilities and Placement](#) (amend rules 5.674, 5.676, 5.678, and 5.708) [SPR15-25](#)  
The Family and Juvenile Law Advisory Committee recommends amending three rules to conform to recently enacted provisions of Welfare and Institutions Code sections 319, 366.21, 366.22, and 366.25 that change the factors a court must consider when determining whether to release or detain a child.

[Juvenile Law: Sibling Visitation](#) (amend rules 5.570, 5.708, and 5.810; revise forms JV-183, JV-185, and JV-403) [SPR15-26](#)  
The Family and Juvenile Law Advisory Committee recommends amending three rules and revising three forms to conform them to recent statutory changes giving dependency courts the authority to order visitation between dependent and nondependent siblings in specified circumstances.

## **Family and Juvenile/Tribal Court–State Court Forum**

[Family and Juvenile Law: Transfers to Tribal Court Under the Indian Child Welfare Act](#) [SPR15-27](#)  
(amend rules 5.483 and 5.590; revise forms ICWA-060 and JV-800) The Family and Juvenile Law Advisory Committee (committee) and the Tribal Court–State Court Forum (forum) propose amendments to the California Rules of Court and revisions to Judicial Council forms concerning the transfer of court proceedings involving an Indian child from the jurisdiction of the state court to a tribal court. These changes are in response to provisions of Senate Bill 1460 (Stats. 2014, ch. 772) (SB 1460) and the Court of Appeal decision in *In re. M.M.* (2007) 154 Cal.App.4th 897. SB 1460 requires the state juvenile court to give the tribal court specific information and documentation when a case governed by the Indian Child Welfare Act is transferred. The *In re M.M.* decision implicates an objecting party's right to appeal a decision granting a transfer to a tribal court.

## **Family and Juvenile/Probate**

[Special Immigrant Juvenile Predicate Findings](#) [SPR15-28](#)  
(rule 7.1020; adopt forms FL-356, GC-220, JV-356, and FL- 357/GC-224/JV-357; revoke forms GC-224 and JC-224) The Family and Juvenile Law Advisory Committee and the Probate and Mental Health Advisory Committee recommend adopting one rule of court, adopting four Judicial Council forms (including a joint findings form), and revoking two separate findings forms. The rule and forms are needed to implement Senate Bill 873 (Stats. 2014, ch. 685), which clarified the superior court's authority to make the factual findings needed for an undocumented child to apply for federal classification as a Special Immigrant Juvenile (SIJ) and incorporated relevant elements of the federal Immigration and Nationality Act into California law. The rule and forms are intended to guide a party requesting SIJ findings from a superior court in a child custody, guardianship, or juvenile dependency or delinquency proceeding, and to supply the

court with a sufficient factual basis to make accurate, just, and effective findings under California law.

## Probate

**Probate Conservatorship: Judicial Council forms to implement the California Conservatorship Jurisdiction Act** (revise form GC-310; adopt forms GC-360, GC-361, and GC-362) Legislation enacted in 2014 added the California Conservatorship Jurisdiction Act (CCJA) to the Probate Code. This legislation requires the Judicial Council to revise an existing form and adopt new forms to implement the act. To comply with this mandate, the Probate and Mental Health Advisory Committee proposes revision of the existing form and adoption of three new forms.

**SPR15-29**

## Judicial Administration

**Trial Court Management: Public Access to Administrative Decisions of Trial Courts** (amend rule 10.620) The Trial Court Presiding Judges Advisory Committee and the Court Executives Advisory Committee recommend the amendment of California Rules of Court, rule 10.620, to repeal the provisions that apply the rule's requirements for public notice and input to the decisions of trial courts to close court facilities or reduce the hours of a court location, as these provisions are inconsistent with statutory requirements. Amendments to Government Code section 68106, which took effect on January 1, 2012, created new requirements for public notice and comment when trial courts decide to close court facilities or reduce hours. These requirements are inconsistent with the requirements of rule 10.620, and trial courts have faced confusion in determining how notice is to be provided. The recommendations in this report are intended to resolve this confusion, leaving Government Code section 68106 as the sole authority governing decisions to close court facilities or reduce hours.

**SPR15-30**

**Technology: Modernization of the Rules of Court to Facilitate E-Business, E-Filing, and E-Service** The Information Technology Advisory Committee recommends amending various rules in titles 2, 3, 4, 5, 7, and 8 of the California Rules of Court to modernize the rules. The minor, nonsubstantive amendments to the rules facilitate electronic filing, electronic service, and modern business practices. The Civil and Small Claims, Traffic, Family and Juvenile Law, Probate and Mental Health, and Appellate Advisory Committees also recommend the amendments to the rules in their respective subject-matter areas.

**SPR15-32**

**Judicial Branch Administration: Changes to Replace the Names “Administrative Office of the Courts” and “AOC”** The chairs of the Judicial Council's Executive and Planning, Policy Coordination and Liaison, Rules and Projects, and Litigation Management Committees recommend that the California Rules of Court and Standards of Judicial Administration be amended and Judicial Council forms be revised to replace the names “Administrative Office of the Courts” and “AOC” with “Judicial Council,” or “Judicial Council staff,” as appropriate, to further effectuate the name change that began in July 2014 and to make other technical and minor substantive changes to the name of a Judicial Council advisory body, staff office, or staff position to accurately reflect the current name and to accurately state the number of internal committees and describe policymaking positions.

**SPR15-33**

## Miscellaneous

**Forms: Miscellaneous Technical Changes** (amend rule 3.35; and revise forms CH-700, CH-710, CH-720, CR-132, CR-165, DV-150, JV-100, JV-110, WG-002, and

WG-030) Various Judicial Council advisory committee members, court personnel, members of the public, and Judicial Council staff have identified errors in a rule of the California Rules of Court and Judicial Council forms resulting from inadvertent omissions, typographical errors, and changes resulting from legislation. The staff to the Judicial Council recommends making the necessary corrections to avoid confusing court users, clerks, and judicial officers.