

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on October 27, 2015,
effective on January 1, 2016, and July 1, 2016

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1 **Rule 2.3. Definitions**

2
3 As used in the Trial Court Rules, unless the context or subject matter otherwise requires:

- 4
5 (1) “Court” means the superior court;.
- 6
7 (2) “Papers” includes all documents, except exhibits and copies of exhibits, that are
8 offered for filing in any case, but does not include Judicial Council and local court
9 forms, records on appeal in limited civil cases, or briefs filed in appellate divisions,
10 ~~and~~ Unless the context clearly provides otherwise, “papers” need not be in a
11 tangible or physical form but may be in an electronic form.
- 12
13 (3) “Written,” “writing,” “typewritten,” and “typewriting” include other methods of
14 printing letters and words equivalent in legibility to typewriting or printing from a
15 word processor.

16
17 *Rule 2.3 amended effective January 1, 2016; adopted effective January 1, 2007.*

18
19 **Rule 2.10. Scope of rules [~~Reserved~~]**

20
21 These rules apply to documents filed and served electronically as well as in paper form,
22 unless otherwise provided.

23
24 *Rule 2.10 amended effective January 1, 2016; adopted effective January 1, 2007.*

25
26 **Rule 2.102. One-sided paper**

27
28 ~~On papers,~~ When papers are not filed electronically, only one side of each page may be
29 used.

30
31 *Rule 2.102 amended effective January 1, 2016; adopted effective January 1, 2007.*

32
33 **Rule 2.103. Size, quality, and color, ~~and size of paper~~**

34
35 All papers filed must be 8½ by 11 inches. All papers not filed electronically must be on
36 opaque, unglazed paper, white or unbleached, of standard quality not less than 20-pound
37 weight, ~~8½ by 11 inches.~~

38
39 *Rule 2.103 amended effective January 1, 2016; adopted effective January 1, 2007.*

40
41 **Rule 2.104. Printing; type font size**

42

1 All papers not filed electronically must be printed or typewritten or be prepared by a
2 photocopying or other duplication process that will produce clear and permanent copies
3 equally as legible as printing in ~~type~~ a font not smaller than 12 points.

4
5 *Rule 2.104 amended effective January 1, 2016; adopted effective January 1, 2007.*

6
7 **Rule 2.105. Type Font style**

8
9 The ~~typeface~~ font must be essentially equivalent to Courier, Times New Roman, or Arial.

10
11 *Rule 2.105 amended effective January 1, 2016; adopted effective January 1, 2007.*

12
13 **Rule 2.106. Font color of print**

14
15 The font color ~~of print~~ must be black or blue-black.

16
17 *Rule 2.106 amended effective January 1, 2016; adopted effective January 1, 2007.*

18
19 **Rule 2.107. Margins**

20
21 The left margin of each page must be at least one inch from the left edge ~~of the paper~~ and
22 the right margin at least 1/2 inch from the right edge ~~of the paper~~.

23
24 *Rule 2.107 amended effective January 1, 2016; adopted effective January 1, 2007.*

25
26 **Rule 2.108. Spacing and numbering of lines**

27
28 The spacing and numbering of lines on a page must be as follows:

29
30 (1)–(3) * * *

31
32 (4) Line numbers must be placed at the left margin and separated from the text ~~of the~~
33 ~~paper~~ by a vertical column of space at least 1/5 inch wide or a single or double
34 vertical line. Each line number must be aligned with a line of type, or the line
35 numbers must be evenly spaced vertically on the page. Line numbers must be
36 consecutively numbered, beginning with the number 1 on each page. There must be
37 at least three line numbers for every vertical inch on the page.

38
39 *Rule 2.108 amended effective January 1, 2016; adopted effective January 1, 2007.*

40
41 **Rule 2.111. Format of first page**

42
43 The first page of each paper must be in the following form:

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(1)–(2) * * *

(3) On line 8, at or below 3 1/3 inches from the top of the ~~paper~~ page, the title of the court.

(4)–(11) * * *

Rule 2.111 amended effective January 1, 2016; adopted effective January 1, 2007; previously amended effective January 1, 2008.

Rule 2.113. Binding

Each paper not filed electronically must consist entirely of original pages without riders and must be firmly bound together at the top.

Rule 2.113 amended effective January 1, 2016; adopted effective January 1, 2007.

Rule 2.114. Exhibits

Exhibits submitted with papers not filed electronically may be fastened to pages of the specified size and, when prepared by a machine copying process, must be equal to ~~typewritten~~ computer-processed materials in legibility and permanency of image.

Rule 2.114 amended effective January 1, 2016; adopted effective January 1, 2007.

Rule 2.115. Hole punching

When papers are not filed electronically, each paper presented for filing must contain two prepunched normal-sized holes, centered 2½ inches apart and 5/8 inch from the top of the paper.

Rule 2.115 amended effective January 1, 2016; adopted effective January 1, 2007.

Rule 2.117. Conformed copies of papers

All copies of papers served must conform to the original papers filed, including the numbering of lines, pagination, additions, deletions, and interlineations except that, with the agreement of the other party, a party serving papers by nonelectronic means may serve that other party with papers printed on both sides of the page.

Rule 2.117 amended effective January 1, 2016; adopted effective January 1, 2007; previously amended effective July 1, 2012.

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Rule 2.130. Application

The rules in this chapter apply to Judicial Council forms, local court forms, and all other official forms to be filed in the trial courts. The rules apply to forms filed both in paper form and electronically, unless otherwise specified.

Rule 2.130 amended effective January 1, 2016; adopted effective January 1, 2007.

Rule 2.133. Hole punching

All forms not filed electronically must contain two prepunched normal-sized holes, centered 2½ inches apart and ⅝ inch from the top of the form.

Rule 2.133 amended effective January 1, 2016; adopted effective January 1, 2007.

Rule 2.134. Forms longer than one page

(a) Single side may be used

If a form not filed electronically is longer than one page, the form may be printed on sheets printed only on one side even if the original has two sides to a sheet.

(Subd (a) amended effective January 1, 2016.)

(b) Two-sided forms must be tumbled

If a form not filed electronically is filed on a sheet printed on two sides, the reverse side must be rotated 180 degrees (printed head to foot).

(Subd (b) amended effective January 1, 2016.)

(c) Multiple-page forms must be bound

If a form not filed electronically is longer than one page, it must be firmly bound at the top.

(Subd (c) amended effective January 1, 2016.)

Rule 2.134 amended effective January 1, 2016; adopted effective January 1, 2007.

1 **Rule 2.150. Authorization for computer-generated or typewritten forms for proof**
2 **of service of summons and complaint**

3
4 **(a) Computer-generated or typewritten forms; conditions**

5
6 Notwithstanding the adoption of mandatory form *Proof of Service of Summons*
7 (form POS-010), a form for proof of service of a summons and complaint prepared
8 entirely by word processor, typewriter, or similar process may be used for proof of
9 service in any applicable action or proceeding if the following conditions are met:

10
11 (1)–(4) * * *

12
13 (5) The text of form POS-010 must be copied in the same order as it appears on
14 ~~the printed~~ form POS-010 using the same item numbers. A declaration of
15 diligence may be attached to the proof of service or inserted as item 5b(5).

16
17 (6) Areas marked “For Court Use” must be copied in the same general locations
18 and occupy approximately the same amount of space as on ~~the printed~~ form
19 POS-010.

20
21 (7)–(8) * * *

22
23 (9) Material that would have been ~~typed~~ entered onto ~~the printed~~ form POS-010
24 must be ~~typed~~ entered with each line indented 3 inches from the left margin.

25
26 *(Subd (a) amended effective January 1, 2016; previously amended effective July 1, 1985,*
27 *January 1, 1986, January 1, 1987, July 1, 1999, January 1, 2004, July 1, 2004, and*
28 *January 1, 2007.)*

29
30 **(b) * * ***

31
32 *Rule 2.150 amended effective January 1, 2016; adopted as rule 982.9; previously amended*
33 *effective January 1, 1989, July 1, 1999, January 1, 2004, and July 1, 2004; previously amended*
34 *and renumbered as rule 2.150 effective January 1, 2007.*

35
36 **Rule 2.251. Electronic service**

37
38 **(a)–(i) * * ***

39
40 **(j) Electronic service by or on court**

41

1 (1) The court may electronically serve any notice, order, judgment, or other
2 document issued by the court in the same manner that parties may serve
3 documents by electronic service.
4

5 (2) A document may be electronically served on a court if the court consents to
6 electronic service or electronic service is otherwise provided for by law or
7 court order. A court indicates that it agrees to accept electronic service by:
8

9 (A) Serving a notice on all parties that the court accepts electronic service.
10 The notice must include the electronic service address at which the
11 court agrees to accept service; or
12

13 (B) Adopting a local rule stating that the court accepts electronic service.
14 The rule must indicate where to obtain the electronic service address at
15 which the court agrees to accept service.
16

17 *(Subd (j) amended effective January 1, 2016; adopted as subd (e); previously amended*
18 *effective January 1, 2007; previously relettered as subd (g) effective January 1, 2008, as*
19 *subd (h) effective January 1, 2011, and as subd (j) effective July 1, 2013.)*
20

21 *Rule 2.251 amended effective January 1, 2016; adopted as rule 2060 effective January 1, 2003;*
22 *previously amended and renumbered as rule 2.260 effective January 1, 2007, and as rule 2.251*
23 *effective January 1, 2011; previously amended effective January 1, 2008, January 1, 2009, July 1,*
24 *2009, January 1, 2010, and July 1, 2013.*
25

26 **Rule 2.503. Public access**

27
28 **(a)–(i) * * ***

29 **Advisory Committee Comment**

30
31 The rule allows a level of access by the public to all electronic records that is at least equivalent
32 to the access that is available for paper records and, for some types of records, is much greater. At
33 the same time, it seeks to protect legitimate privacy concerns.
34

35 **Subdivision (c). * * ***
36

37 **Subdivisions (f) and (g).** These subdivisions limit electronic access to records (other than the
38 register, calendars, or indexes) to a case-by-case basis and prohibit bulk distribution of those
39 records. These limitations are based on the qualitative difference between obtaining information
40 from a specific case file and obtaining bulk information that may be manipulated to compile
41 personal information culled from any document, paper, or exhibit filed in a lawsuit. This type of
42 aggregate information may be exploited for commercial or other purposes unrelated to the
43 operations of the courts, at the expense of privacy rights of individuals.

1
2 Courts must send a copy of the order permitting remote electronic access in extraordinary
3 criminal cases to: ~~Secretariat, Executive Office Programs Division, Administrative Office of the~~
4 ~~Courts~~ Criminal Justice Services, Judicial Council of California, 455 Golden Gate Avenue, San
5 Francisco, CA 94102-3688 or ~~secretariat@jud.ca.gov~~.

6
7 **Rule 2.550. Sealed records**

8
9 (a) * * *

10
11 (b) **Definitions**

12
13 As used in this chapter:

14
15 (1) “Record.” Unless the context indicates otherwise, “record” means all or a
16 portion of any document, paper, exhibit, transcript, or other thing filed or
17 lodged with the court, by electronic means or otherwise.

18
19 (2)–(3) * * *

20
21 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
22 *2007.)*

23
24 (c)–(e) * * *

25
26 *Rule 2.550 amended effective January 1, 2016; adopted as rule 243.1 effective January 1, 2001;*
27 *previously amended effective January 1, 2004; previously amended and renumbered as rule*
28 *2.550 effective January 1, 2007.*

29
30 **Rule 2.551. Procedures for filing records under seal**

31
32 (a) * * *

33
34 (b) **Motion or application to seal a record**

35
36 (1) * * *

37
38 (2) *Service of motion or application*

39
40 A copy of the motion or application must be served on all parties that have
41 appeared in the case. Unless the court orders otherwise, any party that already
42 ~~possesses copies of~~ has access to the records to be placed under seal must be
43 served with a complete, unredacted version of all papers as well as a redacted

1 version. Other parties must be served with only the public redacted version. If
2 a party's attorney but not the party has access to the record, only the party's
3 attorney may be served with the complete, unredacted version.
4

5 (3) *Procedure for party not intending to file motion or application*

6
7 (A) * * *

8
9 (B) If the party that produced the documents and was served with the notice
10 under (A)(iii) fails to file a motion or an application to seal the records
11 within 10 days or to obtain a court order extending the time to file such
12 a motion or an application, the clerk must promptly remove all the
13 documents in (A)(i) from the envelope, ~~or~~ container, or secure
14 electronic file where they are located and place them in the public file.
15 If the party files a motion or an application to seal within 10 days or
16 such later time as the court has ordered, these documents are to remain
17 conditionally under seal until the court rules on the motion or
18 application and thereafter are to be filed as ordered by the court.
19

20 (4) * * *

21
22 (5) *Redacted and unredacted versions*

23
24 If necessary to prevent disclosure, any motion or application, any opposition,
25 and any supporting documents must be filed in a public redacted version and
26 lodged in a complete, unredacted version conditionally under seal. The cover
27 of the redacted version must identify it as "Public—Redacts materials from
28 conditionally sealed record." The cover of the unredacted version must
29 identify it as "May Not Be Examined Without Court Order—Contains
30 material from conditionally sealed record."
31

32 (6) *Return of lodged record*

33
34 If the court denies the motion or application to seal, the clerk must return the
35 lodged record to the submitting party and must not place it in the case file
36 unless that party notifies the clerk in writing ~~within 10 days after the order~~
37 ~~denying the motion or application~~ that the record is to be filed. Unless
38 otherwise ordered by the court, the submitting party must notify the clerk
39 within 10 days after the order denying the motion or application.
40

41 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
42 *2004, and January 1, 2007.)*
43

1 (c) * * *

2
3 (d) **Procedure for lodging of records**

4
5 (1) A record that may be filed under seal must be transmitted to the court in a
6 secure manner that preserves the confidentiality of the records to be lodged.
7 If the record is transmitted in paper form, it must be put in an envelope or
8 other appropriate container, sealed in the envelope or container, and lodged
9 with the court.

10
11 (2) The materials to be lodged under seal must be clearly identified as
12 “CONDITIONALLY UNDER SEAL.” If the materials are transmitted in
13 paper form, the envelope or container lodged with the court must be labeled
14 “CONDITIONALLY UNDER SEAL.”

15
16 (3) The party submitting the lodged record must affix to the electronic
17 transmission, the envelope, or the container a cover sheet that:

18
19 (A)–(B) * * *

20
21 (4) * * *

22
23 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
24 *2004, and January 1, 2007.)*

25
26 (e) **Order**

27
28 (1) If the court grants an order sealing a record and if the sealed record is in
29 paper format, the clerk must substitute on the envelope or container for the
30 label required by (d)(2) a label prominently stating “SEALED BY ORDER
31 OF THE COURT ON (DATE),” and must replace the cover sheet required by
32 (d)(3) with a filed-endorsed copy of the court’s order. If the sealed record is
33 in an electronic format, the clerk must file the court’s order, store the record
34 ordered sealed in a secure manner, and clearly identify the record as sealed
35 by court order on a specified date.

36
37 (2) The order must state whether—in addition to the sealed records ~~in the~~
38 ~~envelope or container~~—the order itself, the register of actions, any other court
39 records, or any other records relating to the case are to be sealed.

40
41 (3) * * *

42

1 (4) Unless the sealing order provides otherwise, it prohibits the parties from
2 disclosing the contents of any materials that have been sealed in anything that
3 is subsequently publicly filed records or papers.
4

5 *(Subd (e) amended effective January 1, 2016; previously amended effective January 1,*
6 *2004, and January 1, 2007.)*
7

8 **(f)–(g) * * ***
9

10 **(h) Motion, application, or petition to unseal records**
11

12 **(1)–(2) * * ***
13

14 (3) If the court proposes to order a record unsealed on its own motion, the court
15 must ~~mail~~ give notice to the parties stating the reason ~~therefor~~ for unsealing
16 the record. Unless otherwise ordered by the court, any party may serve and
17 file an opposition within 10 days after the notice is ~~mailed or within such~~
18 ~~time as the court specifies.~~ provided and any other party may file a response
19 within 5 days after the filing of an opposition.
20

21 **(4) * * ***
22

23 (5) The order unsealing a record must state whether the record is unsealed
24 entirely or in part. If the court’s order unseals only part of the record or
25 unseals the record only as to certain persons, the order must specify the
26 particular records that are unsealed, the particular persons who may have
27 access to the record, or both. If, in addition to the records in the envelope, ~~or~~
28 container, or secure electronic file, the court has previously ordered the
29 sealing order, the register of actions, or any other court records relating to the
30 case to be sealed, the unsealing order must state whether these additional
31 records are unsealed.
32

33 *(Subd (h) amended effective January 1, 2016; previously amended effective January 1,*
34 *2004, and January 1, 2007.)*
35

36 *Rule 2.551 amended effective January 1, 2016; adopted as rule 243.2 effective January 1, 2001;*
37 *previously amended effective January 1, 2004; previously amended and renumbered as rule*
38 *2.551 effective January 1, 2007.*
39

40 **Rule 2.577. Procedures for filing confidential name change records under seal**
41

42 **(a)–(c) * * ***
43

1 **(d) Procedure for lodging of petition for name change**

2
3 (1) The records that may be filed under seal must be lodged with the court. If
4 they are transmitted on paper, they must be placed in a sealed envelope. If
5 they are transmitted electronically, they must be transmitted to the court in a
6 secure manner that preserves the confidentiality of the documents to be
7 lodged.

8
9 (2) If the petitioner is transmitting the petition on paper, the petitioner must
10 complete and affix to the envelope a completed *Confidential Cover Sheet—*
11 *Name Change Proceeding Under Address Confidentiality Program (Safe at*
12 *Home)* (form NC-400) and in the space under the title and case number mark
13 it “CONDITIONALLY UNDER SEAL.” If the petitioner is transmitting the
14 petition electronically, the first page of the electronic transmission must be a
15 completed *Confidential Cover Sheet—Name Change Proceeding Under*
16 *Address Confidentiality Program (Safe at Home)* (form NC-400) with the
17 space under the title and case number marked “CONDITIONALLY UNDER
18 SEAL.”

19
20 (3) On receipt of a petition lodged under this rule, the clerk must endorse the
21 ~~affixed~~ cover sheet with the date of its receipt and must retain but not file the
22 record unless the court orders it filed.

23
24 (4) * * *

25
26 *(Subd (d) amended effective January 1, 2016.)*

27
28 **(e) * * ***

29
30 **(f) Order**

31
32 (1)–(2) * * *

33
34 (3) For petitions transmitted in paper form, if the court grants an order sealing a
35 record, the clerk must strike out the notation required by (d)(2) on the
36 *Confidential Cover Sheet* that the matter is filed “CONDITIONALLY
37 UNDER SEAL,” and add a notation to that sheet prominently stating
38 “SEALED BY ORDER OF THE COURT ON (DATE),” and file the
39 documents under seal. For petitions transmitted electronically, the clerk must
40 file the court’s order, store the record ordered sealed in a secure manner, and
41 clearly identify the record as sealed by court order on a specified date.

42
43 (4)–(5) * * *

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(Subd (f) amended effective January 1, 2016.)

(g)–(h) * * *

Rule 2.577 amended effective January 1, 2016; adopted effective January 1, 2010.

Rule 2.816. Stipulation to court-appointed temporary judge

(a)–(d) * * *

(e) Application or motion to withdraw stipulation

An application or motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation. In addition:

(1)–(2) * * *

(3) The application or motion must be served and filed, and the moving party must ~~mail or deliver~~ provide a copy to the presiding judge.

(4) * * *

(Subd (e) amended effective January 1, 2016; adopted effective July 1, 2006; previously amended effective January 1, 2007.)

Rule 2.816 amended effective January 1, 2016; adopted as rule 1727 effective January 1, 2001; previously amended and renumbered as rule 243.18 effective July 1, 2006; previously amended and renumbered as rule 2.816 effective January 1, 2007.

Rule 2.831. Temporary judge—stipulation, order, oath, assignment, disclosure, and disqualification

(a)–(e) * * *

(f) Motion to withdraw stipulation

A motion to withdraw a stipulation for the appointment of a temporary judge must be supported by a declaration of facts establishing good cause for permitting the party to withdraw the stipulation, and must be heard by the presiding judge or a judge designated by the presiding judge. A declaration that a ruling is based on error of fact or law does not establish good cause for withdrawing a stipulation.

1 Notice of the motion must be served and filed, and the moving party must ~~mail or~~
2 ~~deliver~~ provide a copy to the temporary judge. If the motion to withdraw the
3 stipulation is based on grounds for the disqualification of the temporary judge first
4 learned or arising after the temporary judge has made one or more rulings, but
5 before the temporary judge has completed judicial action in the proceeding, the
6 provisions of rule 2.816(e)(4) apply. If a motion to withdraw a stipulation is
7 granted, the presiding judge must assign the case for hearing or trial as promptly as
8 possible.

9
10 *(Subd (f) amended effective January 1, 2016; adopted as subd (f) effective July 1, 1993;*
11 *previously amended and relettered as subd (g) effective July 1, 2001, and as subd (f)*
12 *effective July 1, 2006; previously amended effective January 1, 2007.)*

13
14 *Rule 2.831 amended effective January 1, 2016; adopted as rule 244 effective January 1, 1999;*
15 *previously amended effective April 1, 1962, July 1, 1981, July 1, 1987, July 1, 1993, July 1, 1995,*
16 *January 1, 2001, and July 1, 2001; previously amended and renumbered as rule 243.31 effective*
17 *July 1, 2006 and as rule 2.831 effective January 1, 2007.*

18
19 **Rule 2.892. Guidelines for approval of certification programs for interpreters for**
20 **deaf and hard-of-hearing persons**

21
22 Each organization, agency, or educational institution that administers tests for
23 certification of court interpreters for deaf and hard-of-hearing persons under Evidence
24 Code section 754 must comply with the guidelines adopted by the Judicial Council
25 effective February 21, 1992, and any subsequent revisions, and must hold a valid, current
26 approval by the Judicial Council to administer the tests as a certifying organization. The
27 guidelines are stated in the *Judicial Council Guidelines for Approval of Certification*
28 *Programs for Interpreters for Deaf and Hard-of-Hearing Persons*, published by the
29 ~~Administrative Office of the Courts~~ Judicial Council.

30
31 *Rule 2.892 amended effective January 1, 2016; adopted as rule 984.1 effective January 1, 1994;*
32 *previously amended and renumbered as rule 2.892 effective January 1, 2007.*

33
34 **Rule 2.894. Reports on appointments of certified and registered interpreters and**
35 **noncertified and nonregistered interpreters**

36
37 Each superior court must report to the Judicial Council on:

38
39 (1) The appointment of certified and registered interpreters under Government Code
40 section 71802, as required by the ~~Administrative Office of the Courts~~ Judicial
41 Council; and

42
43 (2) * * *

1
2 *Rule 2.894 amended effective January 1, 2016; adopted as rule 984.3 effective January 1, 1996;*
3 *previously amended effective March 1, 2003; previously amended and renumbered as rule 2.894*
4 *effective January 1, 2007.*

5
6 **Rule 2.952. Electronic recording as official record of proceedings**

7
8 **(a)–(i) * * ***

9
10 **(j) Record on appeal**

11
12 (1)–(2) * * *

13
14 (3) *Preparation of transcript*

15
16 On receiving directions to have a transcript prepared, the clerk may have the
17 material transcribed by a court employee, but should ordinarily send the reels
18 in question to a professional recording service that has been certified by the
19 federal court system or the ~~Administrative Office of the Courts~~ Judicial
20 Council or verified by the clerk to be skilled in producing transcripts.

21
22 *(Subd (j) amended effective January 1, 2016; adopted as subd (i) effective January 1,*
23 *1990; previously amended effective January 1, 1993; previously amended and relettered as*
24 *subd (j) effective January 1, 2007.)*

25
26 *Rule 2.952 amended effective January 1, 2016; adopted as rule 980.5 effective January 1, 1976;*
27 *previously amended effective January 1, 1990, and January 1, 1993; previously amended and*
28 *renumbered as rule 2.952 effective January 1, 2007.*

29
30 **Rule 2.954. Specifications for electronic recording equipment**

31
32 **(a)–(d) * * ***

33
34 **(e) Previous equipment**

35
36 The Administrative Director ~~of the Courts~~ is authorized to approve any electronic
37 recording devices and equipment acquired before the adoption or amendment of
38 this rule that has been found by the court to produce satisfactory recordings of
39 proceedings.

40
41 *(Subd (e) amended effective January 1, 2016. previously amended effective January 1,*
42 *2007.)*

43

1 *Rule 2.954 amended effective January 1, 2016; adopted as rule 980.6 effective January 1, 1990;*
2 *previously amended and renumbered as rule 2.954 effective January 1, 2007.*

3
4 **Rule 2.1050. Judicial Council jury instructions**

5
6 **(a)–(b) * * ***

7
8 **(c) Public access**

9
10 The ~~Administrative Office of the Courts~~ Judicial Council must provide copies and
11 updates of the approved jury instructions to the public on the California Courts
12 website. The ~~Administrative Office of the Courts~~ Judicial Council may contract
13 with an official publisher to publish the instructions in both paper and electronic
14 formats. The Judicial Council intends that the instructions be freely available for
15 use and reproduction by parties, attorneys, and the public, except as limited by this
16 subdivision. The ~~Administrative Office of the Courts~~ Judicial Council may take
17 steps necessary to ensure that publication of the instructions by commercial
18 publishers does not occur without its permission, including, without limitation,
19 ensuring that commercial publishers accurately publish the Judicial Council’s
20 instructions, accurately credit the Judicial Council as the source of the instructions,
21 and do not claim copyright of the instructions. The ~~Administrative Office of the~~
22 ~~Courts~~ Judicial Council may require commercial publishers to pay fees or royalties
23 in exchange for permission to publish the instructions. As used in this rule,
24 “commercial publishers” means entities that publish works for sale, whether for
25 profit or otherwise.

26
27 *(Subd (c) amended effective January 1, 2016; previously amended effective August 26,*
28 *2005, and January 1, 2007.)*

29
30 **(d) Updating and amendments**

31
32 The Judicial Council instructions will be regularly updated and maintained through
33 its advisory committees on jury instructions. Amendments to these instructions will
34 be circulated for public comment before publication. Trial judges and attorneys
35 may submit for the advisory committees’ consideration suggestions for improving
36 or modifying these instructions or creating new instructions, with an explanation of
37 why the change is proposed. Suggestions should be sent to the ~~Administrative~~
38 ~~Office of the Courts, Office of the General Counsel~~ Judicial Council of California,
39 Legal Services.

40
41 *(Subd (d) amended effective January 1, 2016.)*
42

1 (e) * * *

2
3 *Rule 2.1050 amended effective January 1, 2016; adopted as rule 855 effective September 1, 2003;*
4 *previously amended effective August 26, 2005; previously amended and renumbered as rule*
5 *2.1050 effective January 1, 2007.*

6
7 **Rule 2.1055. Proposed jury instructions**

8
9 (a) * * *

10
11 (b) **Form and format of proposed instructions**

12
13 (1)–(3) * * *

14
15 (4) Each set of proposed jury instructions filed on paper must be bound loosely.

16
17 *(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 1988,*
18 *January 1, 2003, January 1, 2004, and January 1, 2007.)*

19
20 (c)–(e) * * *

21
22 *Rule 2.1055 amended effective January 1, 2016; adopted as rule 229 effective January 1, 1949;*
23 *previously amended effective April 1, 1962, July 1, 1988, January 1, 2003, January 1, 2004, and*
24 *August 26, 2005; previously amended and renumbered as rule 2.1055 effective January 1, 2007.*

25
26 **Rule 2.1100. Notice when statute or regulation declared unconstitutional**

27
28 Within 10 days after a court has entered judgment in a contested action or special
29 proceeding in which the court has declared unconstitutional a state statute or regulation,
30 the prevailing party, or as otherwise ordered by the court, must ~~mail~~ serve a copy of the
31 judgment and a notice of entry of judgment ~~to~~ on the Attorney General and file a proof of
32 service with the court.

33
34 *Rule 2.1100 amended effective January 1, 2016; adopted as rule 826 effective January 1, 1999;*
35 *previously amended and renumbered as rule 2.1100 effective January 1, 2007.*

36
37 **Rule 3.35. Definition of limited scope representation; application of rules**

38
39 (a) * * *

40
41 (b) **Application**

42

1 Rules 3.35 through 3.37 apply to limited scope representation in civil cases, except
2 in family law cases. Rules ~~5.70 and 5.71~~ 5.425 ~~apply~~ applies to limited scope
3 representation in family law cases.

4
5 *(Subd (b) amended effective January 1, 2016.)*

6
7 (c) * * *

8
9 *Rule 3.35 amended effective January 1, 2016; adopted effective January 1, 2007.*

10
11 **Rule 3.221. Information about alternative dispute resolution**

12
13 (a) **Court to provide information package**

14
15 Each court must make available to the plaintiff, at the time the complaint is filed in
16 all general civil cases, an alternative dispute resolution (ADR) information package
17 that includes, at a minimum, all of the following:

18
19 (1) General information about the potential advantages and disadvantages of
20 ADR and descriptions of the principal ADR processes. ~~The Administrative~~
21 ~~Office of the Courts has~~ Judicial Council staff have prepared model language
22 that the courts may use to provide this information.

23
24 (2)–(4) * * *

25
26 *(Subd (a) amended effective January 1, 2016; previously amended effective July 1, 2002,*
27 *and January 1, 2007.)*

28
29 (b)–(c) * * *

30
31 *Rule 3.221 amended effective January 1, 2016; adopted as rule 1590.1 effective January 1, 2001;*
32 *previously amended and renumbered as rule 201.9 effective July 1, 2002, and as rule 3.221*
33 *effective January 1, 2007.*

34
35 **Rule 3.254. List of parties**

36
37 (a) **Duties of first-named plaintiff or petitioner**

38
39 Except as provided under rule 2.251 for electronic service, if more than two parties
40 have appeared in a case and are represented by different counsel, the plaintiff or
41 petitioner named first in the complaint or petition must:

42
43 (1)–(2) * * *

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(Subd (a) amended effective January 1, 2016; adopted as part of unlettered subd effective July 1, 1984; previously amended and lettered as subd (a) effective January 1, 2007.)

(b) Duties of each party

Except as provided under rule 2.251 for electronic service, each party must:

(1)–(3) * * *

(Subd (b) amended effective January 1, 2016; adopted as part of unlettered subd effective July 1, 1984; previously amended and lettered effective January 1, 2007.)

Rule 3.254 amended effective January 1, 2016; adopted as rule 387 effective July 1, 1984; previously amended and renumbered as rule 202.7 effective January 1, 2003, and as rule 3.254 effective January 1, 2007.

Rule 3.500. Transfer and consolidation of noncomplex common-issue actions filed in different courts

(a)–(f) * * *

(g) Conflicting orders

The Judicial Council's coordination staff ~~in the Administrative Office of the Courts~~ must review all transfer orders submitted under (e) and must promptly confer with the presiding judges of any courts that have issued conflicting orders under Code of Civil Procedure section 403. The presiding judges of those courts must confer with each other and with the judges who have issued the orders to the extent necessary to resolve the conflict. If it is determined that any party to a case has failed to disclose information concerning pending motions, the court may, after a duly noticed hearing, find that the party's failure to disclose is an unlawful interference with the processes of the court.

(Subd (g) amended effective January 1, 2016; adopted as subd (f); previously amended and relettered as subd (g) effective January 1, 2007.)

(h) * * *

Rule 3.500 amended effective January 1, 2016; adopted as rule 1500 effective September 21, 1996; previously amended and renumbered as rule 3.500 effective January 1, 2007.

1 **Rule 3.501. Definitions**

2
3 As used in this chapter, unless the context or subject matter otherwise requires:

4
5 (1)–(5) * * *

6
7 (6) “Coordination attorney” means an attorney ~~in the Administrative Office of the~~
8 ~~Courts~~ with the Judicial Council staff appointed by the Chair of the Judicial
9 Council to perform such administrative functions as may be appropriate under the
10 rules in this chapter, including but not limited to the functions described in rules
11 3.524 and 3.550.

12
13 (7)–(19) * * *

14
15 *Rule 3.501 amended effective January 1, 2016; adopted as rule 1501 effective January 1, 1974;*
16 *previously amended effective July 1, 1974, and January 1, 2005; previously amended and*
17 *renumbered as rule 3.501 effective January 1, 2007.*

18
19 **Rule 3.524. Order assigning coordination motion judge**

20
21 **(a) Contents of order**

22
23 An order by the Chair of the Judicial Council assigning a coordination motion
24 judge to determine whether coordination is appropriate, or authorizing the presiding
25 judge of a court to assign the matter to judicial officers of the court to make the
26 determination in the same manner as assignments are made in other civil cases,
27 must include the following:

28
29 (1) * * *

30
31 (2) The court’s address or electronic service address for submitting all
32 subsequent documents to be considered by the coordination motion judge.

33
34 *(Subd (a) amended effective January 1, 2016; adopted as part of unlettered subd effective*
35 *January 1, 1974; previously amended and lettered subd (a) effective January 1, 2005.)*

36
37 **(b) * * ***

38
39 *Rule 3.524 amended effective January 1, 2016; adopted as rule 1524 effective January 1, 1974;*
40 *previously amended effective January 1, 2005; previously renumbered as rule 3.524 effective*
41 *January 1, 2007.*

42

1 **Rule 3.544. Add-on cases**

2
3 **(a) Request to coordinate add-on case**

4
5 A request to coordinate an add-on case must comply with the requirements of rules
6 3.520 through 3.523, except that the request must be submitted to the coordination
7 trial judge under Code of Civil Procedure section 404.4, with proof of ~~mailing~~
8 service of one copy ~~to~~ on the Chair of the Judicial Council and proof of service as
9 required by rule 3.510.

10
11 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
12 *2005, and January 1, 2007.)*

13
14 **(b)–(d) * * ***

15
16 *Rule 3.544 amended effective January 1, 2016; adopted as rule 1544 effective January 1, 1974;*
17 *previously amended effective January 1, 2005; previously amended and renumbered as rule*
18 *3.544 effective January 1, 2007.*

19
20 **Rule 3.550. General administration by ~~the Administrative Office of the~~**
21 **Courts, Judicial Council staff**

22
23 **(a) Coordination attorney**

24
25 Except as otherwise provided in the rules in this chapter, all necessary
26 administrative functions under this chapter will be performed at the direction of the
27 Chair of the Judicial Council by a coordination attorney ~~in the Administrative~~
28 ~~Office of the Courts.~~

29
30 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
31 *2005, and January 1, 2007.)*

32
33 **(b)–(c) * * ***

34
35 *Rule 3.550 amended effective January 1, 2016; adopted as rule 1550 effective January 1, 1974;*
36 *previously amended effective January 1, 2005; previously amended and renumbered as rule*
37 *3.550 effective January 1, 2007.*

38
39 **Rule 3.670. Telephone appearance**

40
41 **(a)–(g) * * ***

42

1 **(h) Notice by party**

2
3 (1) Except as provided in (6), a party choosing to appear by telephone at a
4 hearing, conference, or proceeding, other than on an ex parte application,
5 under this rule must either:

6
7 (A) * * *

8
9 (B) At least two court days before the appearance, notify the court and all
10 other parties of the party's intent to appear by telephone. If the notice is
11 oral, it must be given either in person or by telephone. If the notice is in
12 writing, it must be given by filing a "Notice of Intent to Appear by
13 Telephone" with the court at least two court days before the appearance
14 and by serving the notice ~~at the same time on all other parties by~~
15 ~~personal delivery, fax transmission, express mail, e-mail if such~~
16 ~~service is required by local rule or court order or agreed to by the~~
17 ~~parties, or other~~ by any means authorized by law and reasonably
18 calculated to ensure delivery to the parties no later than the close of the
19 next business day at least two court days before the appearance.
20

21 (2)–(3) * * *

22
23 (4) Any party other than an applicant choosing to appear by telephone at an ex
24 parte appearance under this rule must notify the court and all other parties
25 that have appeared in the action, no later than 2:00 p.m. or the "close of
26 business" (as that term is defined in rule 2.250(b)(10)), whichever is earlier,
27 on the court day before the appearance, of its intent to appear by telephone. If
28 the notice is oral, it must be given either in person or by telephone. If the
29 notice is in writing, it must be given by filing a "Notice of Intent to Appear
30 by Telephone" with the court and by serving the notice ~~at the same time~~ on
31 all other parties by any means authorized by law reasonably calculated to
32 ensure delivery to the parties no later than 2:00 p.m. or "the close of
33 business" (as that term is defined in rule 2.250(b)(10)), whichever is earlier,
34 on the court day before the appearance.
35

36 (5)–(6) * * *

37
38 *(Subd (h) amended effective January 1, 2016; adopted as subd (d) effective July 1, 1998;*
39 *previously amended effective January 1, 1999, July 1, 1999, January 1, 2003, and January*
40 *1, 2007; previously amended and relettered subd (g) effective January 1, 2008, and subd*
41 *(h) effective January 1, 2014.)*
42

1 (i)-(q) * * *

2
3 *Rule 3.670 amended effective January 1, 2016; adopted as rule 298 effective March 1, 1988;*
4 *previously amended and renumbered as rule 3.670 effective January 1, 2007; previously*
5 *amended effective January 1, 1989, July 1, 1998, January 1, 1999, July 1, 1999, January 1, 2001,*
6 *July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2011, July 1, 2013, and January 1, 2014.*

7
8 **Rule 3.720. Application**

9
10 (a) * * *

11
12 (b) **Emergency suspension of rules**

13
14 A court by local rule may exempt specified types or categories of general civil
15 cases filed before January 1, ~~2016~~2020, from the case management rules in this
16 chapter, provided that the court has in place alternative procedures for case
17 processing and trial setting for such actions, including, without limitation,
18 compliance with Code of Civil Procedure sections 1141.10 et seq. and 1775 et seq.
19 The court must post the alternative procedures on its website.

20
21 *(Subd (b) amended effective January 1, 2016; adopted effective February 26, 2013.)*

22
23 (c) * * *

24
25 *Rule 3.720 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
26 *amended effective February 26, 2013.*

27
28 **Rule 3.815. Selection of the arbitrator**

29
30 (a) * * *

31
32 (b) **Selection absent stipulation or local procedures**

33
34 If the arbitrator has not been selected by stipulation and the court has not adopted
35 local rules or procedures for the selection of the arbitrator as permitted under (c),
36 the arbitrator will be selected as follows:

37
38 (1) * * *

39
40 (2) The administrator must select at random a number of names equal to the
41 number of sides, plus one, and ~~mail~~ send the list of randomly selected names
42 to counsel for the parties.

43

1 (3) Each side has 10 days from the date of ~~mailing~~ on which the list was sent to
2 file a rejection, in writing, of no more than one name on the list; if there are
3 two or more parties on a side, they must join in the rejection of a single name.
4

5 (4)–(5) * * *

6
7 *(Subd (b) amended effective January 1, 2016; adopted as subd (a); previously amended*
8 *and relettered as subd (b) effective January 1, 2004; previously amended effective July 1,*
9 *1979, January 1, 1982, January 1, 1984, and January 1, 2007.)*

10
11 (c)–(f) * * *

12
13 *Rule 3.815 amended effective January 1, 2016; adopted as rule 1605 effective July 1, 1976;*
14 *previously amended effective July 1, 1979, January 1, 1982; January 1, 1984, January 1, 1991,*
15 *January 1, 1994, and January 1, 2004; previously amended and renumbered as rule 3.815*
16 *effective January 1, 2007.*

17
18 **Rule 3.823. Rules of evidence at arbitration hearing**

19
20 (a)–(c) * * *

21
22 (d) **Delivery of documents**

23
24 For purposes of this rule, “delivery” of a document or notice may be accomplished
25 manually, by electronic means under Code of Civil Procedure section 1010.6 and
26 rule 2.251, or by mail in the manner provided by Code of Civil Procedure section
27 1013. If service is by electronic means, the times prescribed in this rule for delivery
28 of documents, notices, and demands are increased by two days. If service is by
29 mail, the times prescribed in this rule ~~for delivery of documents, notices, and~~
30 ~~demands~~ are increased by five days.

31
32 *(Subd (d) amended effective January 1, 2016; adopted effective January 1, 1988;*
33 *previously amended effective January 1, 2004.)*

34
35 *Rule 3.823 amended effective January 1, 2016; adopted as rule 1613 effective July 1, 1976;*
36 *previously amended and renumbered as rule 3.823 effective January 1, 2007; previously*
37 *amended effective July 1, 1979, January 1, 1984, January 1, 1988, July 1, 1990, January 1, 2004,*
38 *and January 1, 2008.*

39
40 **Rule 3.827. Entry of award as judgment**

41
42 (a) * * *

43

1 (b) **Notice of entry of judgment**

2
3 Promptly upon entry of the award as a judgment, the clerk must ~~mail~~ serve notice
4 of entry of judgment ~~to~~ on all parties who have appeared in the case and must
5 execute a certificate of ~~mailing~~ service and place it in the court's file in the case.

6
7 *(Subd (b) amended effective January 1, 2016.)*

8
9 (c) * * *

10
11 *Rule 3.827 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
12 *amended effective January 1, 2012, and January 1, 2013.*

13
14 **Rule 3.869. General requirements for complaint procedures and complaint**
15 **proceedings**

16
17 (a)–(g) * * *

18
19 **Advisory Committee Comment**

20
21 ~~The Administrative Office of the Courts has~~ Judicial Council staff have developed model local
22 rules that satisfy the requirements of this rule. These model local rules were developed with input
23 from judicial officers, court administrators, alternative dispute resolution (ADR) program
24 administrators, court-program mediators, and public commentators and are designed so that they
25 can be readily adapted to the circumstances of individual courts and specific complaints. Courts
26 are encouraged to adopt rules that follow the model rules, to the extent feasible. Courts can obtain
27 copies of these model rules from the Judicial Council's civil ADR program staff ~~at the~~
28 ~~Administrative Office of the Courts.~~

29
30 **Subdivision (a).** * * *

31
32 **Subdivision (c).** * * *

33
34 **Subdivision (d).** * * *

35
36 **Rule 3.931. Open proceedings, notice of proceedings, and order for hearing site**

37
38 (a) * * *

39
40 (b) **Notice regarding proceedings before referee**

41
42 (1) In each case in which he or she is appointed, a referee must file a statement
43 that provides the name, telephone number, e-mail address, and mailing

1 address of a person who may be contacted to obtain information about the
2 date, time, location, and general nature of all hearings scheduled in matters
3 pending before the referee that would be open to the public if held before a
4 judge. This statement must be filed at the same time as the referee's
5 certification under rule 3.904(a) or 3.924(a). If there is any change in this
6 contact information, the referee must promptly file a revised statement with
7 the court.
8

- 9 (2) In addition to providing the information required under (1), the statement
10 filed by a referee may also provide the address of a publicly accessible ~~Web~~
11 site website at which the referee will maintain a current calendar setting forth
12 the date, time, location, and general nature of any hearings scheduled in the
13 matter that would be open to the public if held before a judge.
14

15 (3) * * *

16
17 *(Subd (b) amended effective January 1, 2016.)*
18

19 (c) * * *

20
21 *Rule 3.931 amended effective January 1, 2016; adopted effective January 1, 2010.*
22

23 **Rule 3.1010. Oral depositions by telephone, videoconference, or other remote**
24 **electronic means**
25

26 (a) * * *

27
28 **(b) Appearing and participating in depositions**
29

30 Any party may appear and participate in an oral deposition by telephone,
31 videoconference, or other remote electronic means, provided:
32

- 33 (1) Written notice of such appearance is served by personal delivery, e-mail, or
34 fax at least three court days before the deposition;
35

- 36 (2) The party so appearing makes all arrangements and pays all expenses
37 incurred for the appearance.
38

39 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
40 *2007.)*
41

42 (c)–(e) * * *

43

1 *Rule 3.1010 amended effective January 1, 2016; adopted as rule 333 effective January 1, 2003;*
2 *previously amended and renumbered as rule 3.1010 effective January 1, 2007.*

3
4 **Rule 3.1109. Notice of determination of submitted matters**

5
6 **(a) Notice by clerk**

7
8 When the court rules on a motion or makes an order or renders a judgment in a
9 matter it has taken under submission, the clerk must immediately notify the parties
10 of the ruling, order, or judgment. The notification, which must specifically identify
11 the matter ruled on, may be given by serving electronically or mailing the parties a
12 copy of the ruling, order, or judgment, and it constitutes service of notice only if
13 the clerk is required to give notice under Code of Civil Procedure section 664.5.

14
15 *(Subd (a) amended effective January 1, 2016; adopted as part of untitled subd effective*
16 *January 1, 1984; previously amended and lettered subd (a) effective January 1, 2007.)*

17
18 **(b) * * ***

19
20 **(c) Time not extended by failure of clerk to give notice**

21
22 The failure of the clerk to give the notice required by this rule does not extend the
23 time provided by law for performing any act except as provided in rules 8.104(a) or
24 ~~8.824~~ 8.822(a).

25
26 *(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2007.)*

27
28 *Rule 3.1109 amended effective January 1, 2016; adopted as rule 309 effective January 1, 1984;*
29 *previously amended and renumbered as rule 3.1109 effective January 1, 2007.*

30
31 **Rule 3.1110. General format**

32
33 **(a)–(d) * * ***

34
35 **(e) Binding**

36
37 For motions filed on paper, all pages of each document and exhibit must be
38 attached together at the top by a method that permits pages to be easily turned and
39 the entire content of each page to be read.

40
41 *(Subd (e) amended effective January 1, 2016; adopted as subd (d) effective July 1, 1997;*
42 *previously amended and relettered subd (e) effective January 1, 2007.)*

43

1 (f)–(g) * * *

2
3 *Rule 3.1110 amended effective January 1, 2016; adopted as rule 311 effective January 1, 1984;*
4 *previously amended effective July 1, 1997; previously amended and renumbered as rule 3.1110*
5 *effective January 1, 2007.*

6
7 **Rule 3.1113. Memorandum**

8
9 (a)–(h) * * *

10
11 (i) **Copies of authorities**

12
13 (1) A judge may require that if any authority other than California cases, statutes,
14 constitutional provisions, or state or local rules is cited, a copy of the
15 authority must be lodged with the papers that cite the authority and tabbed or
16 separated as required by rule 3.1110(f).

17
18 (2) If a California case is cited before the time it is published in the advance
19 sheets of the Official Reports, the party must include the title, case number,
20 date of decision, and, if from the Court of Appeal, district of the Court of
21 Appeal in which the case was decided. A judge may require that a copy of
22 that case must be lodged and tabbed or separated as required by rule
23 3.1110(f).

24
25 (3) * * *

26
27 *(Subd (i) amended effective January 1, 2016; adopted as part of subd (e) effective January*
28 *1, 1992; previously amended and relettered as subd (h) effective January 1, 2004, and as*
29 *subd (j) effective January 1, 2007; previously relettered as part of subd (f) effective July 1,*
30 *2000, and as subd. (i) effective January 1, 2008; previously amended effective July 1,*
31 *1997, and July 1, 2011.)*

32
33 (j)–(l) * * *

34
35 (m) **Proposed orders or judgments**

36
37 If a proposed order or judgment is submitted, it must be lodged and served with the
38 moving papers but must not be attached to them. The requirements for proposed
39 orders, including the requirements for submitting proposed orders by electronic
40 means, are stated in rule 3.1312.

41
42 *(Subd (m) amended effective January 1, 2016; adopted as subd (i) effective July 1, 1997;*
43 *previously amended and relettered as subd (l) effective January 1, 2004; previously*

1 relettered as subd (j) effective July 1, 2000, as subd (n) effective January 1, 2007, and as
2 subd (m) effective January 1, 2008.)

3
4 Rule 3.1113 amended effective January 1, 2016; adopted as rule 313 effective January 1, 1984;
5 previously amended and renumbered as rule 3.1113 effective January 1, 2007; previously
6 amended effective July 1, 1984, January 1, 1992, July 1, 1997, July 1, 2000, January 1, 2003,
7 January 1, 2004, January 1, 2008, and July 1, 2011.

8
9 **Rule 3.1202. Contents of application**

10
11 **(a) Identification of attorney or party**

12
13 An ex parte application must state the name, address, e-mail address, and telephone
14 number of any attorney known to the applicant to be an attorney for any party or, if
15 no such attorney is known, the name, address, e-mail address, and telephone
16 number of the party if known to the applicant.

17
18 *(Subd (a) amended effective January 1, 2016.)*

19
20 **(b)–(c) * * ***

21
22 *Rule 3.1202 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
23 *amended effective January 1, 2007.*

24
25 **Rule 3.1300. Time for filing and service of motion papers**

26
27 **(a) In general**

28
29 Unless otherwise ordered or specifically provided by law, all moving and
30 supporting papers must be served and filed in accordance with Code of Civil
31 Procedure section 1005 and, when applicable, the statutes and rules providing for
32 electronic filing and service.

33
34 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
35 *2000, and January 1, 2007.)*

36
37 **(b)–(d) * * ***

38
39 **(e) Computation of time**

40
41 A paper submitted before the close of the clerk’s office to the public on the day the
42 paper is due is deemed timely filed. Under rules 2.253(b)(7) and 2.259(c), a court
43 may provide by local rule that a paper that is required to be filed electronically and

1 that is received electronically by the court before midnight on a court day is
2 deemed filed on that court day.

3
4 *(Subd (e) amended effective January 1, 2016; adopted as subd (d) effective January 1,*
5 *1992; previously relettered as subd (e) effective January 1, 2000.)*

6
7 *Rule 3.1300 amended effective January 1, 2016; adopted as rule 317 effective January 1, 1984;*
8 *previously amended effective January 1, 1992, and January 1, 2000; previously amended and*
9 *renumbered as rule 3.1300 effective January 1, 2007.*

10
11 **Rule 3.1302. Place and manner of filing**

12
13 **(a) Papers filed in clerk's office**

14
15 Unless otherwise provided by local rule or specified in a court's protocol for
16 electronic filing, all papers relating to a law and motion proceeding must be filed in
17 the clerk's office.

18
19 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
20 *2007.)*

21
22 **(b) Requirements for lodged material**

23
24 Material lodged physically with the clerk must be accompanied by an addressed
25 envelope with sufficient postage for mailing the material. Material lodged
26 electronically must clearly specify the electronic address to which the materials
27 may be returned. After determination of the matter, the clerk may mail or send the
28 material back to the party lodging it.

29
30 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
31 *2007.)*

32
33 *Rule 3.1302 amended effective January 1, 2016; adopted as rule 319 effective January 1, 1984;*
34 *previously amended and renumbered as rule 3.1302 effective January 1, 2007.*

35
36 **Rule 3.1304. Time of hearing**

37
38 **(a) General schedule**

39
40 The clerk must post electronically and at the courthouse a general schedule
41 showing the days and departments for holding each type of law and motion
42 hearing.

43

1 (Subd (a) amended effective January 1, 2016; previously amended effective January 1,
2 2003.)

3
4 **(b)–(d) * * ***

5
6 *Rule 3.1304 amended effective January 1, 2016; adopted as rule 321 effective January 1, 1984;*
7 *previously amended effective January 1, 1992, and January 1, 2003; previously amended and*
8 *renumbered as rule 3.1304 effective January 1, 2007.*

9
10 **Rule 3.1320. Demurrers**

11
12 **(a)–(b) * * ***

13
14 **(c) Notice of hearing**

15
16 A party filing a demurrer must serve and file therewith a notice of hearing that must
17 specify a hearing date in accordance with the provisions of Code of Civil Procedure
18 section 1005 and, if service is by electronic means, in accordance with the
19 requirements of Code of Civil Procedure section 1010.6(a)(4) and rule 2.251(h)(2).

20
21 *(Subd (c) amended effective January 1, 2016; adopted as subd (b); previously amended*
22 *effective July 1, 2000; previously amended and relettered as subd (c) effective January 1,*
23 *2007.)*

24
25 **(d)–(j) * * ***

26
27 *Rule 3.1320 amended effective January 1, 2016; adopted as rule 325 effective January 1, 1984;*
28 *previously amended and renumbered as rule 3.1320 effective January 1, 2007; previously*
29 *amended effective July 1, 1984, July 1, 1995, July 1, 2000, January 1, 2009, and January 1, 2011.*

30
31 **Rule 3.1326. Motions for change of venue**

32
33 Following denial of a motion to transfer under Code of Civil Procedure section 396b,
34 unless otherwise ordered, 30 calendar days are deemed granted defendant to move to
35 strike, demur, or otherwise plead if the defendant has not previously filed a response. If a
36 motion to transfer is granted, 30 calendar days are deemed granted from the date the
37 receiving court ~~mails~~ sends notice of receipt of the case and its new case number.

38
39 *Rule 3.1326 amended effective January 1, 2016; adopted as rule 326 effective January 1, 1984;*
40 *previously amended effective July 1, 1984; previously amended and renumbered as rule 3.1326*
41 *effective January 1, 2007.*

42

1 **Rule 3.1327. Motions to quash or to stay action in summary proceeding involving**
2 **possession of real property**

3
4 **(a) Notice**

5
6 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
7 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
8 motion to quash service of summons on the ground of lack of jurisdiction or to stay
9 or dismiss the action on the ground of inconvenient forum must be given in
10 compliance with Code of Civil Procedure sections 1010.6 or 1013 and 1167.4.

11
12 *(Subd (a) amended effective January 1, 2016.)*

13
14 **(b) * * ***

15
16 **(c) Written opposition in advance of hearing**

17
18 If a party seeks to have a written opposition considered in advance of the hearing,
19 the written opposition must be filed and served on or before the court day before
20 the hearing. Service must be by personal delivery, electronic service, ~~facsimile fax~~
21 transmission, express mail, or other means consistent with Code of Civil Procedure
22 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
23 delivery to the other party or parties no later than the close of business on the court
24 day before the hearing. The court, in its discretion, may consider written opposition
25 filed later.

26
27 *(Subd (c) amended effective January 1, 2016.)*

28
29 *Rule 3.1327 amended effective January 1, 2016; adopted effective January 1, 2009.*

30
31 **Rule 3.1330. Motion concerning arbitration**

32
33 A petition to compel arbitration or to stay proceedings pursuant to Code of Civil
34 Procedure sections 1281.2 and 1281.4 must state, in addition to other required
35 allegations, the provisions of the written agreement and the paragraph that provides for
36 arbitration. The provisions must be stated verbatim or a copy must be physically or
37 electronically attached to the petition and incorporated by reference.

38
39 *Rule 3.1330 amended effective January 1, 2016; adopted as rule 371 effective January 1, 1984;*
40 *previously amended and renumbered as rule 3.1330 effective January 1, 2007.*

41

1 **Rule 3.1340. Motion for discretionary dismissal after two years for delay in**
2 **prosecution**

3
4 (a) * * *

5
6 (b) **Notice of court's intention to dismiss**

7
8 If the court intends to dismiss an action on its own motion, the clerk must set a
9 hearing on the dismissal and ~~mail~~ send notice to all parties at least 20 days before
10 the hearing date.

11
12 *(Subd (b) amended effective January 1, 2016; adopted as part of subd (a) effective January*
13 *1, 1990; previously amended and lettered as subd (b) effective January 1, 2007.)*

14
15 (c) * * *

16
17 *Rule 3.1340 amended effective January 1, 2016; adopted as rule 372 effective January 1, 1990;*
18 *previously amended and renumbered as rule 3.1340 effective January 1, 2007.*

19
20 **Rule 3.1346. Service of motion papers on nonparty deponent**

21
22 A written notice and all moving papers supporting a motion to compel an answer to a
23 deposition question or to compel production of a document or tangible thing from a
24 nonparty deponent must be personally served on the nonparty deponent unless the
25 nonparty deponent agrees to accept service by mail or electronic service at an address or
26 electronic service address specified on the deposition record.

27
28 *Rule 3.1346 amended effective January 1, 2016; adopted as rule 337 effective January 1, 1984;*
29 *previously amended effective July 1, 1987; previously amended and renumbered as rule 3.1025*
30 *effective January 1, 2007; previously renumbered as rule 3.1346 effective January 1, 2009.*

31
32 **Rule 3.1347. Discovery motions in summary proceeding involving possession of real**
33 **property**

34
35 (a) **Notice**

36
37 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
38 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
39 discovery motion must be given in compliance with Code of Civil Procedure
40 sections 1010.6 or 1013 and 1170.8.

41
42 *(Subd (a) amended effective January 1, 2016.)*
43

1 (b) * * *

2
3 (c) **Written opposition in advance of hearing**

4
5 If a party seeks to have a written opposition considered in advance of the hearing,
6 the written opposition must be served and filed on or before the court day before
7 the hearing. Service must be by personal delivery, electronic service, ~~facsimile fax~~
8 transmission, express mail, or other means consistent with Code of Civil Procedure
9 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
10 delivery to the other party or parties no later than the close of business on the court
11 day before the hearing. The court, in its discretion, may consider written opposition
12 filed later.

13
14 *(Subd (c) amended effective January 1, 2016.)*

15
16 *Rule 3.1347 amended effective January 1, 2016; adopted effective January 1, 2009.*

17
18 **Rule 3.1350. Motion for summary judgment or summary adjudication**

19
20 (a) **Motion Definitions**

21
22 As used in this rule:

23
24 (1) “Motion” refers to either a motion for summary judgment or a motion for
25 summary adjudication.

26
27 (2) “Material facts” are facts that relate to the cause of action, claim for damages,
28 issue of duty, or affirmative defense that is the subject of the motion and that
29 could make a difference in the disposition of the motion.

30
31 *(Subd (a) amended effective January 1, 2016.)*

32
33 (b)–(c) * * *

34
35 (d) **Separate statement in support of motion**

36
37 (1) The Separate Statement of Undisputed Material Facts in support of a motion
38 must separately identify:

39
40 (A) Each cause of action, claim for damages, issue of duty, or affirmative
41 defense; that is the subject of the motion; and

42

1 (B) Each supporting material fact claimed to be without dispute with
2 respect to the cause of action, claim for damages, issue of duty, or
3 affirmative defense that is the subject of the motion.
4

5 (2) The separate statement should include only material facts and not any facts
6 that are not pertinent to the disposition of the motion.
7

8 (3) The separate statement must be in a the two-column format, specified in (h).
9 The statement must state in numerical sequence the undisputed material facts
10 in the first column followed by the evidence that establishes those undisputed
11 facts in that same column. Citation to the evidence in support of each
12 material fact must include reference to the exhibit, title, page, and line
13 numbers.
14

15 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
16 *2002, January 1, 2007, and January 1, 2008.)*
17

18 **(e) Documents in opposition to motion**
19

20 Except as provided in Code of Civil Procedure section 437c(r) and rule 3.1351, the
21 opposition to a motion must consist of the following separate documents,
22 ~~separately stapled and~~ titled as shown:
23

24 (1) * * *

25
26 (2) [*Opposing party's*] separate statement of ~~undisputed material facts~~ in
27 opposition to [*moving party's*] motion for summary judgment or summary
28 adjudication or both;
29

30 (3)-(4) * * *

31
32 *(Subd (e) amended effective January 1, 2016; previously amended effective January 1,*
33 *2002, January 1, 2007, and January 1, 2009.)*
34

35 **(f) ~~Opposition to Motion;~~ Content of separate statement in opposition to motion**
36

37 The Separate Statement in Opposition to Motion must be in the two-column format
38 specified in (h).
39

40 (1) Each material fact claimed by the moving party to be undisputed must be set
41 out verbatim on the left side of the page, below which must be set out the
42 evidence said by the moving party to establish that fact, complete with the
43 moving party's references to exhibits.

1
2 (2) On the right side of the page, directly opposite the recitation of the moving
3 party’s statement of material facts and supporting evidence, the response
4 must unequivocally state whether that fact is “disputed” or “undisputed.” An
5 opposing party who contends that a fact is disputed must state, on the right
6 side of the page directly opposite the fact in dispute, the nature of the dispute
7 and describe the evidence that supports the position that the fact is
8 controverted. ~~That Citation to the evidence in support of the position that a~~
9 fact is controverted must be supported by citation include reference to the
10 exhibit, title, page, and line numbers in the evidence submitted.

11
12 (3) If the opposing party contends that additional material facts are pertinent to
13 the disposition of the motion, those facts must be set forth in the separate
14 statement. The separate statement should include only material facts and not
15 any facts that are not pertinent to the disposition of the motion. Each fact
16 must be followed by the evidence that establishes the fact. Citation to the
17 evidence in support of each material fact must include reference to the
18 exhibit, title, page, and line numbers.

19
20 *(Subd (f) amended effective January 1, 2016; previously amended effective January 1,*
21 *2002.)*

22
23 (g)–(i) * * *

24
25 *Rule 3.1350 amended effective January 1, 2016; adopted as rule 342 effective July 1, 1997;*
26 *previously amended and renumbered as rule 3.1350 effective January 1, 2007; previously*
27 *amended effective January 1, 1999, January 1, 2002, January 1, 2008, July 1, 2008, and January*
28 *1, 2009.*

29
30 **Advisory Committee Comment**

31
32 Subdivision (a)(2). This definition is derived from statements in *L.A. Nat. Bank v. Bank of Canton*
33 (1991) 229 Cal. App. 3d 1267, 1274 (“In order to prevent the imposition of a summary judgment,
34 the disputed facts must be ‘material,’ i.e., relate to a claim or defense in issue which could make a
35 difference in the outcome.”) and *Reid v. Google, Inc.* (2010) 50 Cal.4th 512, 532–533 (Parties are
36 encouraged “to raise only meritorious objections to items of evidence that are legitimately in
37 dispute and pertinent to the disposition of the summary judgment motion.”)

38
39 Subdivisions (d)(2) and (f)(3). Consistent with *Reid, supra*, these provisions are intended to
40 eliminate from separate statements facts that are not material, and, thereby reduce the number of
41 unnecessary objections to evidence.

42
43

1 **Rule 3.1351. Motions for summary judgment in summary proceeding involving**
2 **possession of real property**

3
4 **(a) Notice**

5
6 In an unlawful detainer action or other action brought under chapter 4 of title 3 of
7 part 3 of the Code of Civil Procedure (commencing with section 1159), notice of a
8 motion for summary judgment must be given in compliance with Code of Civil
9 Procedure sections 1010.6 or 1013 and 1170.7.

10
11 *(Subd (a) amended effective January 1, 2016.)*

12
13 **(b) * * ***

14
15 **(c) Written opposition in advance of hearing**

16
17 If a party seeks to have a written opposition considered in advance of the hearing,
18 the written opposition must be filed and served on or before the court day before
19 the hearing. Service must be by personal delivery, electronic service, ~~facsimile~~ fax
20 transmission, express mail, or other means consistent with Code of Civil Procedure
21 sections 1010, 1010.6, 1011, 1012, and 1013, and reasonably calculated to ensure
22 delivery to the other party or parties no later than the close of business on the court
23 day before the hearing. The court, in its discretion, may consider written opposition
24 filed later.

25
26 *(Subd (c) amended effective January 1, 2016.)*

27
28 *Rule 3.1351 amended effective January 1, 2016; adopted effective January 1, 2009.*

29
30 **Rule 3.1354. Written objections to evidence**

31
32 **(a) * * ***

33
34 **(b) Format of objections**

35
36 All written objections to evidence must be served and filed separately from the
37 other papers in support of or in opposition to the motion. Objections ~~on~~ to specific
38 evidence ~~may~~ must be referenced by the objection number in the right column of a
39 separate statement in opposition or reply to a motion, but the objections must not be
40 restated or reargued in the separate statement. Each written objection must be
41 numbered consecutively and must:

42
43 (1)–(4) * * *

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Written objections to evidence must follow one of the following two formats:

(First Format):

Objections to Jackson Declaration

Objection Number 1

* * *

Objection Number 2

~~“A lot of people find widgets to be very useful.” (Jackson declaration, page 17, line 5.)~~

~~**Grounds for Objection 2:** Irrelevant (Evid. Code, §§ 210, 350–351).~~

(Second Format):

Objections to Jackson Declaration

Material Objected to:	Grounds for Objection:
1. Jackson declaration, page 3, lines 7–8: “Johnson told me that no widgets were ever received.”	Hearsay (Evid. Code, §1200); lack of personal knowledge (Evid. Code, § 702(a)).
2. Jackson declaration, page 17, line 5: “A lot of people find widgets to be very useful.”	Irrelevant (Evid. Code, §§ 210, 350–351).

(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2007.)

(c) Proposed order

A party submitting written objections to evidence must submit with the objections a proposed order. The proposed order must include places for the court to indicate whether it has sustained or overruled each objection. It must also include a place for the signature of the judge. The court may require that the proposed order be provided in electronic form. The proposed order must be in one of the following two formats:

(First Format):

Objections to Jackson Declaration

1
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9

Objection Number 1

* * *

Objection Number 2

~~“A lot of people find widgets to be very useful.” (Jackson declaration, page 17, line 5.)~~

Grounds for Objection 2: Irrelevant (Evid. Code, §§ 210, 350–351).

Court’s Ruling on Objection 2:	Sustained: _____ Overruled: _____
---------------------------------------	--------------------------------------

10
11
12
13
14

(Second Format):

Objections to Jackson Declaration

Material Objected to:	Grounds for Objection:	Ruling on the Objection
1. Jackson declaration, page 3, lines 7–8: “Johnson told me that no widgets were ever received.”	Hearsay (Evid. Code, § 1200); lack of personal knowledge (Evid. Code, § 702(a)).	Sustained: _____ Overruled: _____
2. Jackson declaration, page 17, line 5: “A lot of people find widgets to be very useful.”	Irrelevant (Evid. Code, §§210, 350–351).	Sustained: _____ Overruled: _____
Date:	_____	_____ Judge

15
16
17

(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2007.)

1 *Rule 3.1354 amended effective January 1, 2016; adopted as rule 345 effective January 1, 1984;*
2 *previously amended and renumbered as rule 3.1354 effective January 1, 2007; previously*
3 *amended effective January 1, 2002, and January 1, 2007.*

4
5 **Rule 3.1590. Announcement of tentative decision, statement of decision, and**
6 **judgment**

7
8 **(a)–(k) * * ***

9
10 **(l) Signature and filing of judgment**

11
12 If a written judgment is required, the court must sign and file the judgment within
13 50 days after the announcement or service of the tentative decision, whichever is
14 later, or, if a hearing was held under (k), within 10 days after the hearing. An
15 electronic signature by the court is as effective as an original signature. The
16 judgment constitutes the decision on which judgment is to be entered under Code
17 of Civil Procedure section 664.

18
19 *(Subd (l) amended effective January 1, 2016; adopted as part of subd (e); previously*
20 *amended and relettered as subd (h) effective January 1, 2007, and as subd (l) effective*
21 *January 1, 2010.)*

22
23 **(m)–(n) * * ***

24
25 *Rule 3.1590 amended effective January 1, 2016; adopted as rule 232 effective January 1, 1949;*
26 *previously amended and renumbered as rule 3.1590 effective January 1, 2007; previously*
27 *amended effective January 1, 1969, July 1, 1973, January 1, 1982, January 1, 1983, January 1,*
28 *2007, and January 1, 2010.*

29
30 **Rule 3.1700. Prejudgment costs**

31
32 **(a) Claiming costs**

33
34 **(1) Trial costs**

35
36 A prevailing party who claims costs must serve and file a memorandum of
37 costs within 15 days after the date of mailing service of the notice of entry of
38 judgment or dismissal by the clerk under Code of Civil Procedure section
39 664.5 or the date of service of written notice of entry of judgment or
40 dismissal, or within 180 days after entry of judgment, whichever is first. The
41 memorandum of costs must be verified by a statement of the party, attorney,
42 or agent that to the best of his or her knowledge the items of cost are correct
43 and were necessarily incurred in the case.

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(2) * * *

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2007, and July 1, 2007.)

(b) Contesting costs

(1) *Striking and taxing costs*

Any notice of motion to strike or to tax costs must be served and filed 15 days after service of the cost memorandum. If the cost memorandum was served by mail, the period is extended as provided in Code of Civil Procedure section 1013. If the cost memorandum was served electronically, the period is extended as provided in Code of Civil Procedure section 1010.6(a)(4).

(2)–(4) * * *

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 3.1700 amended effective January 1, 2016; adopted as rule 870 effective January 1, 1987; previously amended and renumbered as rule 3.1700 effective January 1, 2007; previously amended effective July 1, 2007.

Rule 3.1900. Notice of renewal of judgment

A copy of the application for renewal of judgment must be physically or electronically attached to the notice of renewal of judgment required by Code of Civil Procedure section 683.160.

Rule 3.1900 amended effective January 1, 2016; adopted as rule 986 effective July 1, 1983; previously amended and renumbered as rule 3.1900 effective January 1, 2007.

Rule 3.2107. Request for court order

(a) Request before trial

If a party files a written request for a court order before the hearing on the claim, the requesting party must mail, ~~or personally deliver,~~ or if agreed on by the parties electronically serve a copy to all other parties in the case. The other parties must be given an opportunity to answer or respond to the request before or at the hearing.

1 This subdivision does not apply to a request to postpone the hearing date if the
2 plaintiff's claim has not been served.

3
4 *(Subd (a) amended effective January 1, 2016.)*

5
6 **(b) Request after trial**

7
8 If a party files a written request for a court order after notice of entry of judgment,
9 the clerk must ~~mail~~ send a copy of the request to all other parties in the action. A
10 party has 10 calendar days from the date on which the clerk ~~mailed~~ sent the request
11 to file a response before the court makes an order. The court may schedule a
12 hearing on the request, except that if the request is to vacate the judgment for lack
13 of appearance by the plaintiff, the court must hold a hearing. The court may give
14 notice of any scheduled hearing with notice of the request, but the hearing must be
15 scheduled at least 11 calendar days after the clerk has ~~mailed~~ sent the request.

16
17 *(Subd (b) amended effective January 1, 2016.)*

18
19 *Rule 3.2107 amended effective January 1, 2016; adopted effective January 1, 2007.*

20
21 **Rule 4.102. Uniform bail and penalty schedules—traffic, boating, fish and game,**
22 **forestry, public utilities, parks and recreation, business licensing**

23
24 The Judicial Council of California has established the policy of promulgating uniform
25 bail and penalty schedules for certain offenses in order to achieve a standard of
26 uniformity in the handling of these offenses.

27
28 In general, bail is used to ensure the presence of the defendant before the court. Under
29 Vehicle Code sections 40512 and 13103, bail may also be forfeited and forfeiture may be
30 ordered without the necessity of any further court proceedings and be treated as a
31 conviction for specified Vehicle Code offenses. A penalty in the form of a monetary sum
32 is a fine imposed as all or a portion of a sentence imposed.

33
34 To achieve substantial uniformity of bail and penalties throughout the state in traffic,
35 boating, fish and game, forestry, public utilities, parks and recreation, and business
36 licensing cases, the trial court judges, in performing their duty under Penal Code section
37 1269b to annually revise and adopt a schedule of bail and penalties for all misdemeanor
38 and infraction offenses except Vehicle Code infractions, must give consideration to the
39 Uniform Bail and Penalty Schedules approved by the Judicial Council. The Uniform Bail
40 and Penalty Schedule for infraction violations of the Vehicle Code will be established by
41 the Judicial Council in accordance with Vehicle Code section 40310. Judges must give
42 consideration to requiring additional bail for aggravating or enhancing factors.

43

1 After a court adopts a countywide bail and penalty schedule, under Penal Code section
2 1269b, the court must, as soon as practicable, mail or e-mail a copy of the schedule to the
3 Judicial Council with a report stating how the revised schedule differs from the council's
4 uniform traffic bail and penalty schedule, uniform boating bail and penalty schedule,
5 uniform fish and game bail and penalty schedule, uniform forestry bail and penalty
6 schedule, uniform public utilities bail and penalty schedule, uniform parks and recreation
7 bail and penalty schedule, or uniform business licensing bail and penalty schedule.

8
9 The purpose of this uniform bail and penalty schedule is to:

10
11 **(1)–(2)** * * *

12
13 Unless otherwise shown, the maximum penalties for the listed offenses are six months in
14 the county jail or a fine of \$1,000, or both. The penalty amounts are intended to be used
15 to provide standard fine amounts for a first offense conviction of a violation shown where
16 a fine is used as all or a portion of the sentence imposed.

17
18 **Note:**

19 Courts may obtain copies of the Uniform Bail and Penalty Schedules by contacting:

20 ~~Office of the General Counsel~~

21 ~~Administrative Office of the Courts~~

22 Criminal Justice Services

23 Judicial Council of California

24 455 Golden Gate Avenue

25 San Francisco, CA 94102-3688

26 (415) 865-7611

27 ~~Fax (415) 865-4317~~ or

28 ~~www.courts.ca.gov/reference~~ www.courts.ca.gov/7532.htm

29
30 *Rule 4.102 amended effective January 1, 2016; adopted as rule 850 effective January 1, 1965;*
31 *previously renumbered as rule 4.102 and amended effective January 1, 2001; previously*
32 *amended effective January 1, 1970, January 1, 1971, July 1, 1972, January 1, 1973, January 1,*
33 *1974, July 1, 1975, July 1, 1979, July 1, 1980, July 1, 1981, January 1, 1983, July 1, 1984, July 1,*
34 *1986, January 1, 1989, January 1, 1990, January 1, 1993, January 1, 1995, January 1, 1997,*
35 *July 1, 2004, January 1, 2007, and July 1, 2013.*

36
37 **Rule 4.152. Selection of court and trial judge**

38
39 When a judge grants a motion for change of venue, he or she must inform the presiding
40 judge of the transferring court. The presiding judge, or his or her designee, must:

41
42 (1) Notify the Administrative Director ~~of the Courts~~ of the change of venue. After
43 receiving the transferring court's notification, the Administrative Director, in order

1 to expedite judicial business and equalize the work of the judges, must advise the
2 transferring court which courts would not be unduly burdened by the trial of the
3 case.

4
5 (2) * * *

6
7 *Rule 4.152 amended effective January 1, 2016; adopted as rule 842 effective March 4, 1972;*
8 *previously amended and renumbered as rule 4.152 effective January 1, 2001; previously*
9 *amended effective January 1, 2006.*

10
11 **Rule 4.153. Order on change of venue**

12
13 After receiving the list of courts from the Administrative Director of the Courts, the
14 presiding judge, or his or her designee, must:

15
16 (1)–(3) * * *

17
18 *Rule 4.153 amended effective January 1, 2016; adopted as rule 843 effective March 4, 1972;*
19 *previously amended and renumbered as rule 4.153 effective January 1, 2001; previously*
20 *amended effective January 1, 2006.*

21
22 **Rule 5.50. Papers issued by the court**

23
24 (a) * * *

25
26 (b) **Automatic temporary family law restraining order in summons; handling by**
27 **clerk**

28
29 Under Family Code section 233, in proceedings for dissolution, legal separation, or
30 nullity of a marriage or domestic partnership and in parentage proceedings, the
31 clerk of the court must issue a summons that includes automatic temporary
32 (standard) restraining orders ~~on the reverse side of the summons.~~

33
34 (1)–(2) * * *

35
36 *(Subd (b) amended effective January 1, 2016.)*

37
38 (c) **Individual restraining order**

39
40 (1) On application of a party and as provided in the Family Code, a court may
41 issue any individual restraining order that appears to be reasonable or
42 necessary, including those automatic temporary restraining orders in (b)

1 included ~~on the back of~~ in the family law summons under Family Code
2 section 233.

- 3
4 (2) Individual restraining orders supersede the standard family law restraining
5 orders ~~on the back of~~ in the Family Law and Uniform Parentage Act
6 summonses.

7
8 *(Subd (b) amended effective January 1, 2016.)*

9
10 *Rule 5.50 amended effective January 1, 2016; adopted effective January 1, 2013.*

11
12 **Rule 5.83. Family centered case resolution**

13
14 **(a)–(c)** * * *

15
16 **(d) Family centered case resolution conferences**

17
18 (1)–(4) * * *

- 19
20 (5) Nothing in this rule prohibits an employee of the court from reviewing the
21 file and notifying the parties of any deficiencies in their paperwork before the
22 parties appear in front of a judicial officer at a family centered case resolution
23 conference. This type of assistance can occur by telephone, in person, ~~or~~ in
24 writing, or by other means approved by the court, on or before each
25 scheduled family centered case resolution conference. However, this type of
26 procedural assistance is not intended to replace family centered case
27 resolution plan management or to create a barrier to litigants' access to a
28 judicial officer.

29
30 *(Subd (d) amended effective January 1, 2016.)*

31
32 **(e)–(g)** * * *

33
34 *Rule 5.83 amended effective January 1, 2016; adopted effective January 1, 2012.*

35
36 **Rule 5.91. Individual restraining order**

37
38 On a party's request for order and as provided in the Family Code, a court may issue any
39 individual restraining order that appears to be reasonable or necessary, including those
40 automatic temporary restraining orders included ~~on the back of~~ in the family law
41 summons. Individual orders supersede the standard family law restraining orders ~~on the~~
42 ~~back of~~ in the Family Law and Uniform Parentage Act summonses.

43

1 *Rule 5.91 amended effective January 1, 2016; adopted effective January 1, 2013.*

2
3 **Rule 5.210. Court-connected child custody mediation**

4
5 **(a)–(f) * * ***

6
7 **(g) Education and training providers**

8
9 Only education and training acquired from eligible providers meet the requirements
10 of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~
11 Judicial Council and may include educational institutions, professional
12 associations, professional continuing education groups, public or private for-profit
13 or not-for-profit groups, and court-connected groups.

14
15 (1) * * *

16
17 (2) Effective July 1, 2005, all education and training programs must be approved
18 by ~~the Administrative Office of the Courts~~ Judicial Council staff in
19 consultation with the Family and Juvenile Law Advisory Committee.

20
21 *(Subd (g) amended effective January 1, 2016; adopted effective January 1, 2005.)*

22
23 **(h) * * ***

24
25 *Rule 5.210 amended effective January 1, 2016; adopted as rule 1257.1 effective July 1, 2001;*
26 *amended and renumbered as rule 5.210 effective January 1, 2003; previously amended effective*
27 *January 1, 2003, January 1, 2005, and January 1, 2007.*

28
29 **Rule 5.215. Domestic violence protocol for Family Court Services**

30
31 **(a)–(c) * * ***

32
33 **(d) Family Court Services: Description and duties**

34
35 (1)–(4) * * *

36
37 (5) *Providing information*

38
39 Family Court Services staff must provide information to families accessing
40 their services about the effects of domestic violence on adults and children.
41 Family Court Services programs, including but not limited to orientation
42 programs, must provide information and materials that describe Family Court
43 Services policy and procedures with respect to domestic violence. ~~Where~~

1 Whenever possible, the videotapes provided information delivered in video
2 or audiovisual format should be closed-captioned.

3
4 (6)–(8) * * *

5
6 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
7 *2003.)*

8
9 (e)–(j) * * *

10
11 *Rule 5.215 amended effective January 1, 2016; adopted as rule 1257.2 effective January 1, 2002;*
12 *previously amended and renumbered as rule 5.215 effective January 1, 2003; previously*
13 *amended effective January 1, 2007.*

14
15 **Rule 5.225. Appointment requirements for child custody evaluators**

16
17 (a)–(m) * * *

18
19 (n) **Education and training providers**

20
21 “Eligible providers” includes the ~~Administrative Office of the Courts~~ Judicial
22 Council and may include educational institutions, professional associations,
23 professional continuing education groups, public or private for-profit or not-for-
24 profit groups, and court-connected groups. Eligible providers must:

25
26 (1)–(6) * * *

27
28 *(Subd (n) amended effective January 1, 2016; adopted as subd (n); previously amended*
29 *and relettered as subd (m) effective January 1, 2005; previously amended effective January*
30 *1, 2007; previously relettered as subd (n) effective January 1, 2011.)*

31
32 (o) **Program approval required**

33
34 All education and training programs must be approved by the ~~Administrative~~
35 ~~Office of the Courts~~ Judicial Council staff in consultation with the Family and
36 Juvenile Law Advisory Committee. Education and training courses that were taken
37 between January 1, 2000, and July 1, 2003, may be applied toward the
38 requirements of this rule if they addressed the subjects listed in (d) and either were
39 certified or approved for continuing education credit by a professional provider
40 group or were offered as part of a related postgraduate degree or licensing program.
41

1 (Subd (o) amended effective January 1, 2016; adopted as subd (o); previously amended
2 and relettered as subd (n) effective January 1, 2005; previously amended effective January
3 1, 2007; previously relettered as subd (o) effective January 1, 2011.)
4

5 Rule 5.225 amended effective January 1, 2016; adopted as rule 1257.4 effective January 1, 2002;
6 renumbered as rule 5.225 effective January 1, 2003; previously amended effective January 1,
7 2005, January 1, 2007, January 1, 2011, and January 1, 2015.
8

9 **Rule 5.230. Domestic violence training standards for court-appointed child custody**
10 **investigators and evaluators**

11
12 **(a)–(c) * * ***
13

14 **(d) Mandatory training**
15

16 Persons appointed as child custody investigators under Family Code section 3110
17 or Evidence Code section 730, and persons who are professional staff or trainees in
18 a child custody or visitation evaluation or investigation, must complete basic
19 training in domestic violence issues as described in Family Code section 1816 and,
20 in addition:
21

22 **(1) Advanced training**
23

24 Sixteen hours of advanced training must be completed within a 12-month
25 period. The training must include the following:
26

27 **(A) Twelve hours of instruction, as approved by the ~~Administrative Office~~
28 ~~of the Courts~~ Judicial Council staff, in:**
29

30 **(i)–(v) * * ***
31

32 **(B) * * ***
33

34 **(2) * * ***
35

36 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
37 *2002, January 1, 2003, January 1, 2004, and January 1, 2005.)*
38

39 **(e) Education and training providers**
40

41 Only education and training acquired from eligible providers meets the
42 requirements of this rule. “Eligible providers” includes the ~~Administrative Office of~~
43 ~~the Courts~~ Judicial Council and may include educational institutions, professional

1 associations, professional continuing education groups, public or private for-profit
2 or not-for-profit groups, and court-connected groups.

3
4 (1) * * *

5
6 (2) Effective July 1, 2005, all education and training programs must be approved
7 by ~~the Administrative Office of the Courts~~ Judicial Council staff in
8 consultation with the Family and Juvenile Law Advisory Committee.

9
10 *(Subd (e) amended effective January 1, 2016; previously amended effective January 1,*
11 *2005.)*

12
13 **(f)–(g)** * * *

14
15 *Rule 5.230 amended effective January 1, 2016; adopted as rule 1257.7 effective January 1, 1999;*
16 *amended and renumbered as rule 5.230 effective January 1, 2003; previously amended effective*
17 *January 1, 2004, January 1, 2005, and January 1, 2007.*

18
19 **Rule 5.242. Qualifications, rights, and responsibilities of counsel appointed to**
20 **represent a child in family law proceedings**

21
22 **(a)–(j)** * * *

23
24 **(k) Other considerations**

25
26 Counsel is not required to assume the responsibilities of a social worker, probation
27 officer, child custody evaluator, or mediator and is not expected to provide
28 nonlegal services to the child. Subject to the terms of the court's order of
29 appointment, counsel for a child may take the following actions to implement his or
30 her statutory duties in representing a child in a family law proceeding:

31
32 (1)–(3) * * *

33
34 (4) Conduct thorough, continuing, and independent investigations and discovery
35 to protect the child's interest, which may include:

36
37 (A)–(F) * * *

38
39 (G) Reviewing relevant photographs, video- or audiotapes recordings, and
40 other evidence;

41
42 (H)–(L) * * *

43

1 (5) * * *

2

3 (Subd (k) amended effective January 1, 2016.)

4

5 Rule 5.242 amended effective January 1, 2016; adopted effective January 1, 2008; previously
6 amended effective January 1, 2012.

7

8 **Rule 5.275. Standards for computer software to assist in determining support**

9

10 (a)–(f) * * *

11

12 (g) **Definitions**

13

14 As used in this rule chapter:

15

16 (1) “Software” refers to any program or digital application used to calculate the
17 appropriate amount of child or spousal support.

18

19 ~~(1)~~(2)***

20

21 ~~(2)~~(3)***

22

23 (Subd (g) amended effective January 1, 2016; previously amended effective January 1,
24 2003.)

25

26 (h)–(j) * * *

27

28 Rule 5.275 amended effective January 1, 2016; adopted as rule 1258 effective December 1, 1993;
29 previously amended and renumbered as rule 5.275 effective January 1, 2003; previously
30 amended effective January 1, 2000, January 1, 2007, and January 1, 2009.

31

32 **Rule 5.475. Custody and visitation orders following termination of a juvenile court**
33 **proceeding or probate court guardianship proceeding**

34

35 (a) **Custody and visitation order from other courts or divisions**

36

37 ~~A juvenile court or probate court may transmit a custody or visitation order to a~~
38 ~~family court for inclusion in a pending family law proceeding or to open a new~~
39 ~~family law case file, after termination of a juvenile court proceeding or a probate~~
40 ~~guardianship proceeding under rules 5.700 and 7.1008.~~

41

42 On termination of juvenile court jurisdiction under rule 5.700 or termination of a
43 probate guardianship under rule 7.1008, the juvenile court or probate court will

1 direct the transmission of its custody or visitation orders to any superior court in
2 which a related family law custody proceeding or probate guardianship proceeding
3 is pending for filing in that proceeding.
4

5 If no such proceeding is pending, the court terminating jurisdiction will direct the
6 transmission of its order to the superior court of, in order of preference, the county
7 in which the parent with sole physical custody resides; if none, the county where
8 the child's primary residence is located; or, if neither exists, a county or location
9 where any custodial parent resides.
10

11 (1) *Procedure for filing custody or visitation orders from juvenile or probate*
12 *court*
13

14 (A) ~~The~~ Except as directed in subparagraph (B), on receiving the custody or
15 visitation order of a juvenile court or the visitation order of a former
16 guardian probate court, the clerk of the receiving court must file the
17 order ~~must be filed~~ in any pending nullity, dissolution, legal separation,
18 paternity Uniform Parentage Act, Domestic Violence Prevention Act,
19 or other family law custody proceeding, or in any probate guardianship
20 proceeding ~~which~~ that affects custody or visitation of the child.
21

22 (B) ~~If no dependency, family law, or probate guardianship proceeding~~
23 ~~affecting custody or visitation of the child is pending, the order may be~~
24 ~~used as the sole basis to open a file and assign a family law case~~
25 ~~number. If the only pending proceeding related to the child in the~~
26 ~~receiving court is filed under Family Code section 17400 et seq., the~~
27 ~~clerk must proceed as follows.~~
28

29 (i) If the receiving court has issued a custody or visitation order in
30 the pending proceeding, the clerk must file the received order in
31 that proceeding.
32

33 (ii) If the receiving court has not issued a custody or visitation order
34 in the pending proceeding, the clerk must not file the received
35 order in that proceeding, but must instead proceed under
36 subparagraph (C).
37

38 (C) If no dependency, family law, or guardianship proceeding affecting
39 custody or visitation of the child is pending, the order must be used to
40 open a new custody proceeding in the receiving court. The clerk must
41 immediately open a family law file without charging a filing fee, assign
42 a case number, and file the ~~eustody or visitation order, without a filing~~

1 fee, in the file of any family law proceeding affecting the custody and
2 visitation of the child order in the new case file.

3
4 (2) *Endorsed filed copy—clerk’s certificate of mailing*

5
6 Within 15 court days ~~after~~ of receiving the order, the clerk must send, ~~by~~
7 ~~first-class mail~~, an endorsed filed copy of the order showing the ~~receiving~~
8 ~~court~~ case number assigned by the receiving court by first-class mail to: each
9 of the child’s parents and to the court that issued the order, with a completed
10 clerk’s certificate of mailing, for inclusion in the issuing court’s file.

11
12 (A) ~~The persons whose names and addresses are listed on the order; and~~

13
14 (B) ~~The court that issued the order, with a completed clerk’s certificate of~~
15 ~~mailing, for inclusion in the sending court’s file.~~

16
17 (*Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
18 *2007.*)

19
20 (b) **Modification of former guardian visitation orders—custodial parent**

21
22 When a parent ~~of the child~~ has custody of the child following termination of a
23 probate guardianship, proceedings a former guardian’s request for modification of
24 the probate court visitation order, including an order denying visitation, must be
25 ~~determined~~ brought in a proceeding under the Family Code.

26
27 (*Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
28 *2007.*)

29
30 (c) * * *

31
32 *Rule 5.475 amended effective January 1, 2016; adopted effective January 1, 2006; previously*
33 *amended effective January 1, 2007.*

34
35 **Rule 5.483. Transfer of case**

36
37 (a)–(f) * * *

38
39 (g) **Order on request to transfer**

40
41 (1) The court must issue its final order on the *Order on Petition to Transfer Case*
42 *Involving an Indian Child to Tribal Jurisdiction* (form ICWA-060).
43

- 1 (2) When a matter is being transferred from the jurisdiction of a juvenile court,
2 the order must include:
3
4 (A) All of the findings, orders, or modifications of orders that have been
5 made in the case;
6
7 (B) The name and address of the tribe to which jurisdiction is being
8 transferred;
9
10 (C) Directions for the agency to release the child case file to the tribe
11 having jurisdiction under section 827.15 of the Welfare and Institutions
12 Code;
13
14 (D) Directions that all papers contained in the child case file must be
15 transferred to the tribal court; and
16
17 (E) Directions that a copy of the transfer order and the findings of fact must
18 be maintained by the transferring court.
19

20 *(Subd (g) amended effective January 1, 2016.)*
21

22 **(h) Advisement when transfer order granted**
23

24 When the court grants a petition transferring a case to tribal court under Welfare
25 and Institutions Code section 305.5, Family Code section 177(a), or Probate Code
26 section 1459.5(b) and rule 5.483, the court must advise the parties orally and in
27 writing that any appeal to the order for transfer to a tribal court must be made
28 before the transfer to tribal jurisdiction is finalized and that failure to request and
29 obtain a stay of the order for transfer will result in a loss of appellate jurisdiction.
30

31 *(Subd (h) adopted effective January 1, 2016.)*
32

33 **(h)(i) Proceeding after transfer**
34

35 * * *

36
37 *(Subd (i) relettered effective January 1, 2016; adopted as subd (h).)*
38

39 *Rule 5.483 amended effective January 1, 2016; adopted effective January 1, 2008; previously*
40 *amended effective January 1, 2013.*
41

42 **Advisory Committee Comment**
43

1 Once a transfer to tribal court is finalized as provided in rule 5.483(i), the appellate court lacks
2 jurisdiction to order the case returned to state court (*In re M.M.* (2007) 154 Cal.App.4th 897).

3
4 As stated by the Court of Appeal in *In re M.M.*, the juvenile court has the discretion to stay the
5 provisions of a judgment or order awarding, changing, or affecting custody of a minor child
6 “pending review on appeal or for any other period or periods that it may deem appropriate” (Code
7 Civ. Proc., § 917.7), and the party seeking review of the transfer order should first request a stay
8 in the lower court. (See *Nuckolls v. Bank of California, Nat. Assn.* (1936) 7 Cal.2d 574, 577 [61
9 P.2d 927] [“Inasmuch as the [L]egislature has provided a method by which the trial court, in a
10 proper case, may grant the stay, the appellate courts, assuming that they have the power, should
11 not, except in some unusual emergency, exercise their power until the petitioner has first
12 presented the matter to the trial court.”].) If the juvenile court should deny the stay request, the
13 aggrieved party may then petition this court for a writ of supersedeas pending appeal. (Cal. Rules
14 of Court, rule 8.112).

15
16 Subsection (h) and this advisory committee comment are added to help ensure that an objecting
17 party does not inadvertently lose the right to appeal a transfer order.

18 19 **Rule 5.502. Definitions and use of terms**

20
21 Definitions (§§ 202(e), 303, 319, 361, 361.5(a)(3), 450, 628.1, 636, 726, 727.3(c)(2),
22 727.4(d), 4512(j), 4701.6(b), 11400(v), 11400(y), 16501(f)(16); 20 U.S.C. § 1415; 25
23 U.S.C. § 1903(2))

24
25 As used in these rules, unless the context or subject matter otherwise requires:

26
27 (1)–(10) * * *

28
29 (11) “Detained” means any removal of the child from the person or persons legally
30 entitled to the child’s physical custody, or any release of the child on home
31 supervision under section 628.1 or 636. A child released or placed on home
32 supervision is not detained for the purposes of federal foster care funding.

33
34 (12)–(45) * * *

35
36 *Rule 5.502 amended effective January 1, 2016; adopted as rule 1401 effective January 1, 1990;*
37 *previously amended and renumbered as rule 5.502 effective January 1, 2007; previously*
38 *amended effective July 1, 1992, July 1, 1997, January 1, 1998, January 1, 1999, January 1, 2001,*
39 *July 1, 2002, January 1, 2003, January 1, 2008, July 1, 2010, January 1, 2011, January 1, 2012,*
40 *July 1, 2012, and January 1, 2014.*

41 42 **Rule 5.505. Juvenile dependency court performance measures**

43

1 (a)–(b) * * *

2
3 (c) **Data collection**

4
5 (1) * * *

6
7 (2) Before implementation of the CCMS family and juvenile law module, each
8 local court must collect and submit to the ~~AOC~~Judicial Council the subset of
9 juvenile dependency data described in (b) and further delineated in the
10 *Implementation Guide to Juvenile Dependency Court Performance Measures*
11 that it is reasonably capable of collecting and submitting with its existing
12 court case management system and resources.

13
14 (3) On implementation of the CCMS family and juvenile law module in a local
15 court, and as the necessary data elements become electronically available, the
16 local court must collect and submit to the ~~AOC~~Judicial Council the juvenile
17 dependency data described in (b) and further delineated in the
18 *Implementation Guide to Juvenile Dependency Court Performance*
19 *Measures*. For the purposes of this subdivision, “implementation of the
20 CCMS family and juvenile law module” in a local court means that the
21 CCMS family and juvenile law module has been deployed in that court, is
22 functioning, and has the ability to capture the required data elements and that
23 local court staff has been trained to use the system.

24
25 (*Subd (c) amended effective January 1, 2016.*)

26
27 (d) **Use of data and development of measures before CCMS implementation**

28
29 Before CCMS implementation, the ~~AOC~~Judicial Council must:

30
31 (1) * * *

32
33 (2) Establish a procedure to assist the local courts in submitting the required data
34 to the ~~AOC~~Judicial Council;

35
36 (3)–(5) * * *

37
38 (*Subd (d) amended effective January 1, 2016.*)

39
40 (e) **Use of data after CCMS implementation**

41
42 On implementation of CCMS, the ~~AOC~~Judicial Council must:

43

1 (1)–(4) * * *

2

3 (Subd (e) amended effective January 1, 2016.)

4

5 Rule 5.505 amended effective January 1, 2016; adopted effective January 1, 2009.

6

7 **Rule 5.518. Court-connected child protection/dependency mediation**

8

9 (a)–(h) * * *

10

11 (i) **Education and training providers**

12

13 Only education and training acquired from eligible providers meet the requirements
14 of this rule. “Eligible providers” includes the ~~Administrative Office of the Courts~~
15 Judicial Council and may include educational institutions, professional
16 associations, professional continuing education groups, public or private for-profit
17 or not-for-profit groups, and court-connected groups.

18

19 (1) * * *

20

21 (2) Effective July 1, 2005, all education and training programs must be approved
22 by ~~the Administrative Office of the Courts~~ Judicial Council staff in
23 consultation with the Family and Juvenile Law Advisory Committee.

24

25 (Subd (i) amended effective January 1, 2016; adopted effective January 1, 2005;
26 previously amended effective January 1, 2007.)

27

28 (j) * * *

29

30 Rule 5.518 amended effective January 1, 2016; adopted as rule 1405.5 effective January 1, 2004;
31 previously amended and renumbered as rule 5.518 effective January 1, 2007; previously
32 amended effective January 1, 2005, January 1, 2008, and January 1, 2014.

33

34 **Rule 5.534. General provisions—all proceedings**

35

36 (a)–(m) * * *

37

38 (n) **Caregiver notice and right to be heard (§§ 290.1–297, 366.21)**

39

40 For cases filed under section 300 et seq.:

41

42 (1)–(5) * * *

43

1 (6) When form JV-290 or a caregiver letter is filed, the court clerk must provide
2 the social worker, all unrepresented parties, and all attorneys with a copy of
3 the completed form or letter immediately upon receipt. The clerk also must
4 complete, file, and distribute *Proof of Service—Juvenile* (form JV-510). The
5 clerk may use any technology designed to speed the distribution process,
6 including drop boxes in the courthouse, e-mail ~~or~~, fax, or other electronic
7 transmission, as defined in rule 2.250, to distribute the JV-290 form or letter
8 and proof of service form.

9
10 *(Subd (n) amended effective January 1, 2016; adopted as subd (m) effective October 1,*
11 *2007; previously relettered as subd (n) effective January 1, 2008.)*

12
13 **(o)–(p) * * ***

14
15 *Rule 5.534 amended effective January 1, 2016; adopted as rule 1412 effective January 1, 1991;*
16 *previously amended and renumbered as rule 5.534 effective January 1, 2007; previously*
17 *amended effective January 1, 1994, July 1, 1995, January 1, 1997, January 1, 2000, July 1, 2002,*
18 *January 1, 2005, October 1, 2007, January 1, 2008, January 1, 2010, January 1, 2011, and*
19 *January 1, 2014.*

20
21 **Rule 5.538. Conduct of proceedings held before a referee not acting as a temporary**
22 **judge**

23
24 **(a) * * ***

25
26 **(b) Furnishing and serving findings and order; explanation of right to review**
27 **(§ 248)**

28
29 After each hearing before a referee, the referee must make findings and enter an
30 order as provided elsewhere in these rules. In each case, the referee must cause all
31 of the following to be done promptly:

32
33 **(1)–(2) * * ***

34
35 **(3)** Serve the parent and guardian, and counsel for the child, parent, and
36 guardian, a copy of the findings and order, with a written explanation of the
37 right to seek review of the order by a juvenile court judge. ~~Service must be by~~
38 ~~mail to the last known address and is deemed complete at the time of mailing.~~

39
40 (A) Service is deemed complete at the time of personal, in-court service as
41 provided in Welfare and Institutions Code section 248, subdivision
42 (b)(1).

43

1 (B) If personal, in-court service as in (A) is not possible, service must be by
2 mail to the last known address and is deemed complete at the time of
3 mailing as provided in subdivision (b)(2) of that section.
4

5 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
6 *2007.)*
7

8 *Rule 5.538 amended effective January 1, 2016; adopted as rule 1416 effective January 1, 1990;*
9 *previously amended and renumbered as rule 5.538 effective January 1, 2007.*
10

11 **Rule 5.555. Hearing to consider termination of juvenile court jurisdiction over a**
12 **nonminor—dependents or wards of the juvenile court in a foster care**
13 **placement and nonminor dependents (§§ 224.1(b), 303, 366.31, 391, 452, 607.3,**
14 **16501.1(f)(16))**
15

16 **(a)–(c) * * ***
17

18 **(d) Findings and orders**
19

20 In addition to complying with all other statutory and rule requirements applicable
21 to the hearing, the following judicial findings and orders must be made and
22 included in the written court documentation of the hearing:
23

24 (1) *Findings*
25

26 (A)–(M) * * *
27

28 (N) For a nonminor who has attained 21 years of age the court is only
29 required to find that:
30

31 (i) Notice was given as required by law.
32

33 (ii) The nonminor was provided with the information, documents,
34 and services required under section 391(e), and a completed
35 Termination of Juvenile Court Jurisdiction—Nonminor (form JV-
36 365) was filed with the court.
37

38 (iii) The 90-day Transition Plan is a concrete, individualized plan that
39 specifically covers the following areas: housing, health insurance,
40 education, local opportunities for mentoring and continuing
41 support services, workforce supports and employment services,
42 and information that explains how and why to designate a power
43 of attorney for health care.

1
2 (iv) The nonminor has attained 21 years of age and is no longer
3 subject to the jurisdiction of the court under section 303.
4

5 (2) *Orders*

6
7 (A)–(E) * * *

8
9 (F) For a nonminor who has attained 21 years of age and is no longer
10 subject to the jurisdiction of the juvenile court under section 303, the
11 court must enter an order that juvenile court jurisdiction is dismissed
12 and that the attorney for the nonminor dependent is relieved 60 days
13 from the date of the order.
14

15 *(Subd (d) amended effective January 1, 2016; previously amended effective July 1, 2012,*
16 *July 1, 2013, and January 1, 2014.)*

17
18 *Rule 5.555 amended effective January 1, 2016; adopted effective January 1, 2012; previously*
19 *amended effective July 1, 2012, July 1, 2013, and January 1, 2014.*
20

21 **Rule 5.570. Request to change court order (petition for modification)**

22
23 (a)–(c) * * *

24
25 (d) **Denial of hearing**

26
27 The court may deny the petition ex parte if:

28
29 (1) The petition filed under section 388(a) or section 778(a) fails to state a
30 change of circumstance or new evidence that may require a change of order
31 or termination of jurisdiction or fails to show that the requested modification
32 would promote the best interest of the child, nonminor, or nonminor
33 dependent.
34

35 (2) The petition filed under section 388(b) fails to demonstrate that the requested
36 modification would promote the best interest of the dependent child; ~~or~~

37
38 (3) The petition filed under section 388(b) or 778(b) requests visits with a
39 nondependent child and demonstrates that sibling visitation is contrary to the
40 safety and well-being of any of the siblings;
41

1 (4) The petition filed under section 388(b) or 778(b) requests visits with a
2 nondependent sibling who remains in the custody of a mutual parent who is
3 not subject to the court’s jurisdiction; or
4

5 ~~(3)~~(5) The petition filed under section 388(c) fails to state facts showing that the
6 parent has failed to visit the child or that the parent has failed to participate
7 regularly and make substantive progress in a court-ordered treatment plan or
8 fails to show that the requested termination of services would promote the
9 best interest of the child.

10
11 *(Subd (d) amended effective January 1, 2016; adopted as subd (b); previously amended*
12 *and relettered as subd (d) effective January 1, 2007; previously amended effective January*
13 *1, 2010, and January 1, 2014.)*
14

15 **(e) Grounds for grant of petition (§§ 388, 778)**
16

17 (1) If the petition filed under section 388(a) or section 778(a) states a change of
18 circumstance or new evidence and it appears that the best interest of the
19 child, nonminor, or nonminor dependent may be promoted by the proposed
20 change of order or termination of jurisdiction, the court may grant the petition
21 after following the procedures in (f), (g), and (h), or (i).
22

23 (2) If the petition is filed under section 388(b) and it appears that the best interest
24 of the child, nonminor, or nonminor dependent may be promoted by the
25 proposed recognition of a sibling relationship ~~and~~ or other requested orders,
26 the court may grant the petition after following the procedures in (f), (g), and
27 (h).
28

29 (3) If the petition is filed under section 388(b), the request is for visitation with a
30 sibling who is not a dependent of the court and who is in the custody of a
31 parent subject to the court’s jurisdiction, and that sibling visitation is not
32 contrary to the safety and well-being of any of the siblings, the court may
33 grant the request after following the procedures in (f), (g), and (h).
34

35 (4) If the petition is filed under section 778(b), the request is for visitation with a
36 sibling who is not a dependent of the court and who is in the custody of a
37 parent subject to the court’s jurisdiction, and that sibling visitation is not
38 contrary to the safety and well being of the ward or any of the siblings, the
39 court may grant the request after following the procedures in (f), (g), and (i).
40

41 ~~(3)~~(5) * * *

42
43 ~~(4)~~(6) * * *

1
2 (5)(7) If the petition filed under section 388(a) is filed before an order terminating
3 parental rights and is seeking to modify an order that reunification services
4 ~~were not needed~~ need not be provided under section 361.5(b)(4), (5), or (6) or
5 to modify any orders related to custody or visitation of the child for whom
6 reunification services were not ordered under section 361.5(b)(4), (5), or (6),
7 the court may modify the orders only if the court finds by clear and
8 convincing evidence that the proposed change is in the best interests of the
9 child. The court may grant the petition after following the procedures in (f),
10 (g), and (h).

11
12 *(Subd (e) amended effective January 1, 2016; adopted as subd (c); previously amended*
13 *and relettered as subd (e) effective January 1, 2007; previously amended effective January*
14 *1, 2010, and January 1, 2014.)*

15
16 **(f) Hearing on petition**

17
18 If all parties stipulate to the requested modification, the court may order
19 modification without a hearing. If there is no such stipulation and the petition has
20 not been denied ex parte under section (d), the court must either:

- 21
22 (1) order that a hearing on the petition ~~for modification~~ be held within 30
23 calendar days after the petition is filed; or
24
25 (2) order a hearing for the parties to argue whether an evidentiary hearing on the
26 petition should be granted or denied. If the court then grants an evidentiary
27 hearing on the petition, that hearing must be held within 30 calendar days
28 after the petition is filed.

29
30 *(Subd (f) amended effective January 1, 2016; adopted as subd (d); previously relettered as*
31 *subd (f) effective January 1, 2007; previously amended effective July 1, 2002, and January*
32 *1, 2010.)*

33
34 **(g) * * ***

35
36 **(h) Conduct of hearing (§ 388)**

37
38 (1) The petitioner requesting the modification under section 388 has the burden
39 of proof.

- 40
41 (A) If the request is for the removal of the child from the child's home, the
42 petitioner must show by clear and convincing evidence that the grounds
43 for removal in section 361(c) exist.

1
2 ~~(A)~~(B) * * *

3
4 ~~(B)~~(C) If the request is to modify an order that reunification services were not
5 needed ordered under section 361.5(b)(4), (5), or (6) or to modify any
6 orders related to custody or visitation of the child for whom
7 reunification services were not ordered under section 361.5(b)(4), (5),
8 or (6), the petitioner must show by clear and convincing evidence that
9 the proposed change is in the best interests of the child.

10
11 ~~(C)~~(D) * * *

12
13 (E) If the request is for visitation with a sibling who is not a dependent of
14 the court, the court may grant the request unless the court determines
15 that the sibling remains in the custody of a mutual parent who is not
16 subject to the court's jurisdiction or that sibling visitation is contrary to
17 the safety and well-being of any of the siblings.

18
19 (2) * * *

20
21 *(Subd (h) amended effective January 1, 2016; adopted as subd (f); previously amended and*
22 *relettered as subd (h) effective January 1, 2007; previously amended effective July 1, 2000,*
23 *July 1, 2002, January 1, 2003, January 1, 2010, and January 1, 2014.)*

24
25 (i) **Conduct of hearing (§ 778)**

26
27 (1) The petitioner requesting the modification under section 778(a) has the
28 burden of proving by a preponderance of the evidence that the ward's welfare
29 requires the modification. Proof may be by declaration and other
30 documentary evidence, or by testimony, or both, at the discretion of the court.

31
32 (2) If the request is for sibling visitation under section 778(b), the court may
33 grant the request unless the court determines that the sibling remains in the
34 custody of a mutual parent who is not subject to the court's jurisdiction or
35 that sibling visitation is contrary to the safety and well-being of any of the
36 siblings.

37
38 *(Subd (i) amended effective January 1, 2016; adopted as subd (g); previously amended*
39 *effective July 1, 2002; previously amended and relettered as subd (i) effective January 1,*
40 *2007.)*

41

1 (j) **Petitions for juvenile court to resume jurisdiction over nonminors (§§ 388(e),**
2 **388.1)**

3
4 A petition filed by or on behalf of a nonminor requesting that the court resume
5 jurisdiction over the nonminor as a nonminor dependent is not subject to this rule.
6 Petitions filed under ~~subdivision (e) of section 388(e) or section 388.1~~ are subject
7 to rule 5.906.
8

9 (Subd (j) amended effective January 1, 2016; adopted effective January 1, 2014.)
10

11 *Rule 5.570 amended effective January 1, 2016; adopted as rule 1432 effective January 1, 1991;*
12 *previously amended and renumbered as rule 5.570 effective January 1, 2007; previously*
13 *amended effective January 1, 1992, July 1, 1995, July 1, 2000, July 1, 2002, January 1, 2003,*
14 *January 1, 2009, January 1, 2010, and January 1, 2014.*
15

16 **Rule 5.590. Advisement of right to review in Welfare and Institutions Code section**
17 **300, 601, or 602 cases**

18
19 (a)–(b) * * *

20
21 (c) **Advisement requirements for appeal of order to transfer to tribal court**

22
23 When the court grants a petition transferring a case to tribal court under Welfare
24 and Institutions Code section 305.5, Family Code section 177(a), or Probate Code
25 section 1459.5(b), and rule 5.483, the court must advise the parties orally and in
26 writing, that an appeal of the order must be filed before the transfer to tribal
27 jurisdiction is finalized, and that failure to request and obtain a stay of the order for
28 transfer will result in a loss of appellate jurisdiction.
29

30 (Subd (c) adopted effective January 1, 2016.)
31

32 *Rule 5.590 amended effective January 1, 2016; adopted as rule 1435 effective January 1, 1990;*
33 *previously amended effective January 1, 1992, January 1, 1993, January 1, 1994, January 1,*
34 *1995, and July 1, 1999; previously amended and renumbered as rule 5.585 effective January 1,*
35 *2007; previously amended and renumbered as rule 5.590 effective July 1, 2010.*
36

37 **Rule 5.620. Orders after filing under section 300**

38
39 (a) **Exclusive jurisdiction (§ 304)**

40
41 Once a petition has been filed ~~in juvenile court~~ alleging that a child is described by
42 ~~a subsection of~~ section 300, and until the petition is dismissed or dependency is
43 terminated, the juvenile court has ~~sole and~~ exclusive jurisdiction ~~over matters to~~

1 hear proceedings relating to the custody of the child and visitation with the child
2 and establishing a guardianship for the child.

3
4 *(Subd (a) amended effective January 1, 2016.)*

5
6 **(b) * * ***

7
8 **(c) Custody and visitation (§ 361.2)**

9
10 If the court sustains a petition, ~~and~~ finds that the child is described by section 300,
11 and removes physical custody from a parent or guardian, it may ~~enter findings and~~
12 ~~orders~~ order the child placed in the custody of a previously noncustodial parent as
13 described in rule 5.695(a)(7)(A) ~~and~~ or (B).

14
15 (1) ~~These findings and~~ This orders may be entered at the dispositional hearing
16 under rule 5.700, or at any subsequent review hearing under rule ~~5.710(g) or~~
17 ~~5.715(d)(2) or rule 5.720(b)(1)(B)~~ 5.708(k), or on the granting of a ~~motion~~
18 request under section 388 for custody and visitation orders.

19
20 (2) If the court orders legal and physical custody to the previously noncustodial
21 parent and terminates dependency jurisdiction under rule 5.695(a)(7)(A), the
22 court must proceed under rule 5.700.

23
24 (3) If the court orders custody to the noncustodial parent subject to the
25 continuing supervision of the court, the court may order services provided to
26 either parent or to both parents under section 361.2(b)(3). If the court orders
27 the provision of services, it must review its custody determination at each
28 subsequent hearing held under section 366 and rule 5.708.

29
30 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
31 *2007.)*

32
33 **(d)–(e) * * ***

34
35 *Rule 5.620 amended effective January 1, 2016; adopted as rule 1429.1 effective January 1, 2000;*
36 *previously amended and renumbered as rule 5.620 effective January 1, 2007; previously*
37 *amended effective January 1, 2014.*

38
39 **Rule 5.655. Program requirements for Court Appointed Special Advocate programs**

40
41 **(a) * * ***

42

1 **(b) Definitions**

2
3 (1) * * *

4
5 (2) ~~The Judicial Council's Administrative Office of the Courts (AOC) staff~~ may
6 create a *CASA Program Policies and Procedures Manual* containing
7 recommended program policies and procedures. If ~~the AOC~~ Judicial Council
8 staff creates a manual, it will be developed in collaboration with the
9 California CASA Association and California CASA program directors. The
10 protocols will address program and fiscal management, and the recruitment,
11 screening, selection, training, and supervision of lay volunteers.

12
13 (3)–(5) * * *

14
15
16 *(Subd (b) amended effective January 1, 2016; adopted as subd (a); previously amended*
17 *and relettered as subd (b) effective January 1, 2005; previously amended effective January*
18 *1, 2007.)*

19
20 **(c)–(j) * * ***

21
22 **(k) CASA program administration and management**

23
24 A CASA program must adopt and adhere to a written plan for program governance
25 and evaluation that includes the following as applicable:

26
27 (1) Articles of incorporation, bylaws, and a board of directors. Any CASA
28 program that functions under the auspices of a public agency or private entity
29 must specify in its plan a clear administrative relationship with the parent
30 organization and clearly delineated delegations of authority and
31 accountability. No CASA program may function under the auspices of a
32 probation department or department of social services. CASA programs may
33 receive funds from probation departments, local child welfare agencies, and
34 the California Department of Social Services if:

35
36 (A)–(B) * * *

37
38 (C) Any MOU or contract between a CASA program and the contributing
39 agency is submitted to and approved by ~~AOC~~ Judicial Council staff.

40
41 (2)–(5) * * *

42

1 (Subd (k) amended effective January 1, 2016; adopted as subd (i); previously amended and
2 relettered as subd (k) effective January 1, 2005; previously amended effective January 1,
3 1995, January 1, 2000, and January 1, 2007.)
4

5 **(l) Finance, facility, and risk management**
6

7 (1) A CASA program must adopt a written plan for fiscal control. The fiscal plan
8 must include an annual audit, conducted by a qualified professional, that is
9 consistent with generally accepted accounting principles and the audit
10 protocols in the program's contract with the ~~Administrative Office of the~~
11 Courts Judicial Council.
12

13 (2)-(7) * * *
14

15 (Subd (l) amended effective January 1, 2016; adopted effective January 1, 2005.)
16

17 **(m) * * ***
18

19 *Rule 5.655 amended effective January 1, 2016; adopted as rule 1424 effective July 1, 1994;*
20 *previously amended and renumbered as rule 5.655 effective January 1, 2007; previously*
21 *amended effective January 1, 1995, January 1, 2000, January 1, 2001, January 1, 2005, and*
22 *January 1, 2010.*
23

24 **Rule 5.674. Conduct of hearing; admission, no contest, submission**
25

26 **(a) * * ***
27

28 **(b) Detention hearing; general conduct (§ 319; 42 U.S.C. § 600 et seq.)**
29

30 (1) The court must read, consider, and reference any reports submitted by the
31 social worker and any relevant evidence submitted by any party or counsel.
32 All detention findings and orders must ~~be made on the record and~~ appear in
33 the written orders of the court.
34

35 (2) The findings and orders that must be made on the record are:
36

37 (A) Continuance in the home is contrary to the child's welfare;

38 (B) Temporary placement and care are vested with the social services
39 agency;
40

41 (C) Reasonable efforts have been made to prevent removal; and
42
43

1 (D) The findings and orders required to be made on the record under
2 section 319.

3
4 *(Subd (b) amended effective January 1, 2016; adopted effective July 1, 2002; previously*
5 *amended effective January 1, 2007.)*

6
7 (c)–(d) * * *

8
9 *Rule 5.674 amended effective January 1, 2016; repealed and adopted as rule 1444 effective*
10 *January 1, 1998; previously amended effective July 1, 2002; previously amended and*
11 *renumbered as rule 5.674 effective January 1, 2007.*

12
13 **Rule 5.676. Requirements for detention**

14
15 (a) * * *

16
17 (b) **Evidence required at detention hearing**

18
19 In making the findings required to support an order of detention, the court may rely
20 solely on written police reports, probation or social worker reports, or other
21 documents.

22
23 The reports relied on must include:

24
25 (1)–(2) * * *

26
27 (3) If a parent is enrolled in a certified substance abuse treatment facility that
28 allows a dependent child to reside with his or her parent, information and a
29 recommendation regarding whether the child can be returned to the custody
30 of that parent.

31
32 ~~(3)~~(4) * * *

33
34 ~~(4)~~(5) If continued detention is recommended, information about any parent or
35 guardian of the child with whom the child was not residing at the time the
36 child was taken into custody ~~or~~ and about any relative or nonrelative
37 extended family member as defined under section 362.7 with whom the child
38 may be detained.

39
40 *(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2002,*
41 *and January 1, 2007.)*

42

1 Rule 5.676 amended effective January 1, 2016; repealed and adopted as rule 1445 effective
2 January 1, 1998; previously amended effective July 1, 2002; previously amended and
3 renumbered as rule 5.676 effective January 1, 2007.

4
5 **Rule 5.678. Findings in support of detention; factors to consider; reasonable efforts;**
6 **detention alternatives**

7
8 (a) * * *

9
10 (b) **Factors to consider**

11
12 In determining whether to release or detain the child under (a), the court must
13 consider the following:

14
15 (1) Whether the child can be returned home if the court orders services to be
16 provided, including services under section 306; and

17
18 (2) Whether the child can be returned to the custody of his or her parent who is
19 enrolled in a certified substance abuse treatment facility that allows a
20 dependent child to reside with his or her parent.

21
22 (Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2002,
23 and January 1, 2007.)

24
25 (c)–(e) * * *

26
27 Rule 5.678 amended effective January 1, 2016; repealed and adopted as rule 1446 effective
28 January 1, 1998; previously amended effective January 1, 1999, and July 1, 2002; previously
29 amended and renumbered as rule 5.678 effective January 1, 2007.

30
31 **Rule 5.700. ~~Order determining custody~~ Termination of jurisdiction—custody and**
32 **visitation orders (§§ 302, 304, 361.2, 362.4, 726.5)**

33
34 (a) ~~Order determining custody—termination of jurisdiction~~

35
36 ~~If the juvenile court orders custody to a parent and terminates jurisdiction, the court may~~
37 ~~make orders for visitation with the other parent.~~ When the juvenile court terminates its
38 jurisdiction over a dependent or ward of the court and places the child in the home of a
39 parent, it may issue an order determining the rights to custody of and visitation with the
40 child. The court may also issue ~~orders to either parent enjoining any action specified in~~
41 ~~Family Code section 2045~~ protective orders as provided in section 213.5 or as described
42 in Family Code section 6218.

43

1 (1) ~~Modification of existing custody orders—new case filings~~

2
3 The order of the juvenile court must be filed in an existing nullity,
4 dissolution, legal guardianship, or paternity proceeding. If no custody
5 proceeding is filed or pending, the order may be used as the sole basis to
6 open a file.

7
8 (a) **Effect of order**

9
10 Any order issued under this rule continues in effect until modified or terminated by
11 a later order of a superior court with jurisdiction to make determinations about the
12 custody of the child. The order may be modified or terminated only if the superior
13 court finds both that:

14
15 (1) There has been a significant change of circumstances since the juvenile court
16 issued the order; and

17
18 (2) Modification or termination of the order is in the best interest of the child.

19
20 (*Subd (a) adopted effective January 1, 2016.*)

21
22 ~~(2)~~(b) **Preparation and transmission of order**

23
24 The order must be prepared on *Custody Order—Juvenile—Final Judgment* (form
25 JV-200). The court ~~may~~ must direct either the parent, parent’s attorney, county
26 counsel, or ~~the~~ clerk to:

27
28 ~~(A)~~(1) Prepare the order for the court’s signature; and

29
30 ~~(B)~~(2) Transmit the order within 10 calendar days after the order is signed to
31 ~~the~~ any superior court of the county where a custody proceeding described in
32 (c)(1) is pending has already been commenced or, if none such proceeding
33 exists, to the superior court of, in order of preference:

34
35 (A) The county in which the parent who has been given sole physical
36 custody resides;

37
38 (B) The county in which the children’s primary residence is located if no
39 parent has been given sole physical custody; or

40
41 (C) A county or other location where any parent resides.

42
43 (*Subd (b) amended and relettered effective January 1, 2016; adopted as part of subd (a).*)

1
2 **(3)(c) Procedures for filing order—receiving court**

3
4 ~~After receipt of the~~ On receiving a juvenile court custody order transmitted under
5 (b)(2), the superior court clerk of the receiving county court must immediately file
6 the juvenile court order in the existing proceeding or immediately open a file,
7 without a filing fee, and assign a case number as follows.
8

9 (1) Except as provided in paragraph (2), the juvenile court order must be filed in
10 any pending nullity, dissolution, legal separation, guardianship, Uniform
11 Parentage Act, Domestic Violence Prevention Act, or other family law
12 custody proceeding and, when filed, becomes a part of that proceeding.
13

14 (2) If the only pending proceeding related to the child in the receiving court is
15 filed under Family Code section 17400 et seq., the clerk must proceed as
16 follows.
17

18 (A) If the receiving court has issued a custody or visitation order in the
19 pending proceeding, the clerk must file the received order in that
20 proceeding.
21

22 (B) If the receiving court has not issued a custody or visitation order in the
23 pending proceeding, the clerk must not file the received order in that
24 proceeding, but must instead proceed under paragraph (3).
25

26 (3) If no dependency, family law, or guardianship proceeding affecting custody
27 or visitation of the child is pending, the order must be used to open a new
28 custody proceeding in the receiving court. The clerk must immediately open
29 a family law file without charging a filing fee, assign a case number, and file
30 the order in the new case file.
31

32 *(Subd (c) amended and relettered effective January 1, 2016; adopted as part of subd (a).)*
33

34 **(4)(d) Endorsed filed copy—clerk’s certificate of mailing**

35
36 Within 15 court days ~~after~~ of receiving the order, the clerk of the receiving court
37 must send ~~by first-class mail~~ an endorsed filed copy of the order showing the case
38 number ~~of~~ assigned by the receiving court by first-class mail to ~~(1) the persons~~
39 ~~whose names and addresses are listed on the order,~~ the child’s parents and ~~(2) the~~
40 originating juvenile court, with a completed clerk’s certificate of mailing, for
41 inclusion in the child’s file.
42

43 *(Subd (d) amended and relettered effective January 1, 2016; adopted as part of subd (a).)*

1
2 ~~(b) — Order determining custody — continuation of jurisdiction~~

3
4 ~~If the court orders custody to a parent subject to the continuing jurisdiction of the~~
5 ~~court, with services to one or both parents, the court may direct the order be~~
6 ~~prepared and filed in the same manner as described in (a).~~

7
8 *Rule 5.700 amended effective January 1, 2016; adopted as rule 1457 effective January 1, 1990;*
9 *previously amended effective January 1, 1994, and January 1, 2001; previously amended and*
10 *renumbered as rule 5.700 effective January 1, 2007.*

11
12 **Rule 5.707. Review or dispositional hearing requirements for child approaching**
13 **majority (§§ 224.1, 366(a)(1)(F), 366.3, 366.31, 16501.1(f)(16))**

14
15 **(a) Reports**

16
17 At the last review hearing before the child attains 18 years of age held under
18 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held under
19 section 360 if no review hearing will be set before the child attains 18 years of age,
20 in addition to complying with all other statutory and rule requirements applicable to
21 the report prepared by the social worker for the hearing, the report must include a
22 description of:

23
24 (1)–(9) * * *

25
26 *(Subd (a) amended effective January 1, 2016; previously amended effective July 1, 2012.)*

27
28 **(b) Transitional Independent Living Case Plan**

29
30 At the last review hearing before the child attains 18 years of age held under
31 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held under
32 section 360 if no review hearing will be set before the child attains 18 years of age,
33 the child's Transitional Independent Living Case Plan:

34
35 (1)–(2) * * *

36
37 *(Subd (b) amended effective January 1, 2016.)*

38
39 **(c) Findings**

40
41 (1) At the last review hearing before the child attains 18 years of age held under
42 section 366.21, 366.22, 366.25, or 366.3, or at the dispositional hearing held
43 under section 360 if no review hearing will be set before the child attains 18

1 years of age, in addition to complying with all other statutory and rule
2 requirements applicable to the hearing, the court must make the following
3 findings in the written court documentation of the hearing:
4

5 (A)–(I) * * *

6
7 (2) * * *

8
9 *(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2012,*
10 *and January 1, 2014.)*

11
12 **(d) * * ***

13
14 *Rule 5.707 amended effective January 1, 2016; adopted effective January 1, 2012; previously*
15 *amended effective July 1, 2012, and January 1, 2014.*

16
17 **Rule 5.708. General review hearing requirements**

18
19 **(a)–(b) * * ***

20
21 **(c) Reports (§§ 366.05, 366.1, 366.21, 366.22, 366.25, 16002)**

22
23 Before the hearing, the social worker must investigate and file a report describing
24 the services offered to the family, progress made, and, if relevant, the prognosis for
25 return of the child to the parent or legal guardian.

26
27 (1) The report must include:

28
29 (A) * * *

30
31 (B) A description of the efforts made to achieve legal permanence for the
32 child if reunification efforts fail; ~~and~~

33
34 (C) A factual discussion of each item listed in sections 366.1 and
35 366.21(c); and

36
37 (D) A factual discussion of the information required by section 16002(b).

38
39 (2)–(3) * * *

40
41 *(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2010.)*
42

1 (d) **Return of child—detriment finding (§§ 366.21, 366.22, 366.25)**

2
3 (1) * * *

4
5 (2) The court must consider whether the child can be returned to the custody of
6 his or her parent who is enrolled in a certified substance abuse treatment
7 facility that allows a dependent child to reside with his or her parent.
8

9 ~~(2)~~(3) * * *

10
11 ~~(3)~~(4) * * *

12
13 ~~(4)~~(5) * * *

14
15 ~~(5)~~(6) * * *

16
17 *(Subd (d) amended effective January 1, 2016.)*
18

19 (e) * * *

20
21 (f) **Educational and developmental-services needs (§§ 361, 366, 366.1, 366.3)**

22
23 The court must consider the educational and developmental-services needs of each
24 child and nonminor or nonminor dependent youth, including whether it is necessary
25 to limit the rights of the parent or legal guardian to make educational or
26 developmental-services decisions for the child ~~or youth~~. If the court limits those
27 rights or, in the case of a nonminor or nonminor dependent youth who has chosen
28 not to make educational or developmental-services decisions for him- or herself or
29 has been deemed incompetent, finds that appointment would be in the best interests
30 of the ~~youth~~ nonminor or nonminor dependent, the court must appoint a responsible
31 adult as the educational rights holder as defined in rule 5.502. Any limitation on the
32 rights of a parent or guardian to make educational or developmental-services
33 decisions for the child ~~or youth~~ must be specified in the court order. The court must
34 follow the procedures in rules 5.649–5.651.
35

36 *(Subd (f) amended effective January 1, 2016; previously amended effective January 1,*
37 *2014.)*
38

39 (g) **Case plan (§§ 16001.9, 16501.1)**

40
41 The court must consider the case plan submitted for the hearing and must
42 determine:
43

1 (1) Whether the child ~~or youth~~ was actively involved, as age- and
2 developmentally appropriate, in the development of his or her own case plan
3 and plan for permanent placement. If the court finds that the child ~~or youth~~
4 was not appropriately involved, the court must order the agency to actively
5 involve the child ~~or youth~~ in the development of his or her own case plan and
6 plan for permanent placement, unless the court finds that the child is unable,
7 unavailable, or unwilling to participate.
8

9 (2)–(3) * * *

10
11 (4) For a child ~~or youth~~ 12 years of age or older in a permanent placement,
12 whether the child was given the opportunity to review the case plan, sign it,
13 and receive a copy. If the court finds that the child ~~or youth~~ was not given
14 this opportunity, the court must order the agency to give the child the
15 opportunity to review the case plan, sign it, and receive a copy.
16

17 *(Subd (g) amended effective January 1, 2016; previously amended effective July 1, 2010,*
18 *and January 1, 2014.)*
19

20 **(h)–(i) * * ***

21
22 **(j) Sibling findings; additional findings (§§ 366, 16002)**

23
24 (1) * * *

25
26 (2) The court must enter any additional findings as required by section 366 and
27 section 16002.
28

29 *(Subd (j) amended effective January 1, 2016.)*
30

31 **(k)–(m) * * ***

32
33 **(n) Requirements on setting a section 366.26 hearing (§§ 366.21, 366.22, 366.25)**

34
35 The court must make the following orders and determinations when setting a
36 hearing under section 366.26:
37

38 (1) The court must terminate reunification services to the parent or legal guardian
39 and:
40

41 (A) * * *
42

1 (B) Order that the social worker provide a child ~~or youth~~ 16 years of age or
2 older with a copy of his or her birth certificate unless the court finds
3 that provision of the birth certificate would be inappropriate.
4

5 (2)-(6) * * *

6
7 *(Subd (n) amended effective January 1, 2016; previously amended effective July 1, 2010,*
8 *January 1, 2014, and January 1, 2015.)*
9

10 (o) * * *

11
12 *Rule 5.708 amended effective January 1, 2016; adopted effective January 1, 2010; previously*
13 *amended effective July 1, 2010, January 1, 2014, and January 1, 2015.*
14

15 **Rule 5.760. Detention hearing; report; grounds; determinations; findings; orders;**
16 **factors to consider for detention; restraining orders**

17
18 (a)-(b) * * *

19
20 (c) **Grounds for detention (§§ 625.3, 635, 636)**
21

22 (1) The child must be released unless the court finds that continuance in the
23 home of the parent or legal guardian is contrary to the child's welfare, and
24 one or more of the following grounds for detention exist:
25

26 ~~(1)~~(A) The child has violated an order of the court;
27

28 ~~(2)~~(B) The child has escaped from a commitment of the court;
29

30 ~~(3)~~(C) The child is likely to flee the jurisdiction of the court;
31

32 ~~(4)~~(D) It is a matter of immediate and urgent necessity for the protection of the
33 child; or
34

35 ~~(5)~~(E) It is reasonably necessary for the protection of the person or property of
36 another.
37

38 (2) If the child is a dependent of the court under section 300, the court's decision
39 to detain must not be based on the child's status as a dependent of the court
40 or the child welfare services department's inability to provide a placement for
41 the child.
42

43 ~~The court may order the child detained in juvenile hall or in a suitable place~~

1 designated by the court, or on home supervision under the conditions stated
2 in sections 628.1 and 636.

3
4 (3) The court may order the child placed on home supervision under the
5 conditions stated in sections 628.1 and 636, or detained in juvenile hall or in
6 a suitable place designated by the court.

7
8 (4) If the court orders the release of a child who is a dependent of the court under
9 section 300, the court must order the child welfare services department either
10 to ensure that the child's current caregiver takes physical custody of the child
11 or to take physical custody of the child and place the child in a licensed or
12 approved placement.

13
14 *(Subd (c) amended effective January 1, 2016; adopted as subd (a); previously amended*
15 *effective July 1, 2002; previously amended and relettered as subd (b) effective January 1,*
16 *2001, and as subd (c) effective January 1, 2007.)*

17
18 **(d) Required determinations before detention**

19
20 Before detaining the child, the court must determine whether continuance in the
21 home of the parent or legal guardian is contrary to the child's welfare and whether
22 there are available services that would prevent the need for further detention. The
23 court must make these determinations on a case-by-case basis and must state the
24 evidence relied on in reaching its decision.

25
26 (1) If the court determines that the child can be returned to the home of the
27 parent or legal guardian through the provision of services, the court must
28 release the child to the parent or guardian and order that the probation
29 department provide the required services.

30
31 (2) If the child cannot be returned to the home of the parent or legal guardian, the
32 court must state the facts on which the detention is based.

33
34 *(Subd (d) amended effective January 1, 2016; adopted as subd (c) effective July 1, 2002;*
35 *previously amended and relettered as subd (d) effective January 1, 2007.)*

36
37 **(e) Required findings to support detention (§ 636)**

38
39 If the court orders the child detained, the court must make the following findings on
40 the record and in the written, ~~signed~~ orders. The court must reference the probation
41 officer's report or other evidence relied on to make its determinations:
42

- 1 (1) Continuance in the home of the parent or guardian is contrary to the child's
2 welfare;
3
4 (2) Temporary placement and care is the responsibility of the probation officer
5 pending disposition or further order of the court; and
6
7 (3) Reasonable efforts have been made to prevent or eliminate the need for
8 removal of the child, or reasonable efforts were not made.
9

10 *(Subd (e) amended effective January 1, 2016; adopted as subd (b); previously relettered as*
11 *subd (c) effective January 1, 2001; previously amended and relettered as subd (d) effective*
12 *July 1, 2002, and as subd (e) effective January 1, 2007.)*
13

14 **(f)–(k) * * ***
15

16 **(l) Restraining orders**
17

18 As a condition of release or ~~detention~~ ~~on~~ home supervision, the court may issue
19 restraining orders as stated in rule 5.630 or orders restraining the child from any or
20 all of the following:
21

22 (1)–(3) * * *
23

24 *(Subd (l) amended effective January 1, 2016; adopted as subd (i); previously relettered as*
25 *subd (j) effective January 1, 2001; previously amended and relettered as subd (k) effective*
26 *July 1, 2002, and as subd (l) effective January 1, 2007.)*
27

28 *Rule 5.760 amended effective January 1, 2016; repealed and adopted as rule 1475 effective*
29 *January 1, 1998; previously amended effective January 1, 2001, July 1, 2002, and January 1,*
30 *2006; previously amended and renumbered as rule 5.760 effective January 1, 2007.*
31

32 **Rule 5.790. Orders of the court**
33

34 **(a)–(b) * * ***
35

36 **(c) Custody and visitation (§ 726.5)**
37

38 (1) At any time ~~while the~~ when a child is a ward of the juvenile court, the court
39 may issue an order determining the custody of or visitation with the child. An
40 order issued under this subdivision continues in effect until modified or
41 terminated by a later order of the juvenile court.
42

1 (2) ~~or~~At the time wardship is terminated, the court may issue an order
2 determining custody of, or visitation with, the child, as described in rule
3 5.700.

4
5 *(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2007.)*

6
7 (d)–(i) * * *

8
9 (j) **Fifteen-day reviews (§ 737)**

10
11 If the child or nonminor is detained pending the implementation of a dispositional
12 order, the court must review the case at least every 15 days as long as the child is
13 detained. The review must meet all the requirements in section 737. ~~The court must~~
14 ~~inquire about the action taken by the probation officer to carry out the court’s order,~~
15 ~~the reasons for the delay, and the effects of the delay on the child.~~

16
17 *(Subd (j) amended effective January 1, 2016; adopted as subd (f); previously amended and*
18 *relettered as subd (g) effective July 1, 2002, and as subd (h) effective January 1, 2007;*
19 *previously relettered as subd (j) effective January 1, 2014.)*

20
21 *Rule 5.790 amended effective January 1, 2016; adopted as rule 1493 effective January 1, 1991;*
22 *previously amended and renumbered as rule 5.790 effective January 1, 2007; previously*
23 *amended effective January 1, 1998, July 1, 2002, January 1, 2004, January 1, 2006, January 1,*
24 *2008, January 1, 2014, and January 1, 2015.*

25
26 **Rule 5.810. Reviews, hearings, and permanency planning**

27
28 (a) **Six-month status review hearings (§§ 727.2, 11404.1)**

29
30 For any ward removed from the custody of his or her parent or guardian under
31 section 726 and placed in a home under section 727, the court must conduct a status
32 review hearing no less frequently than once every six months from the date the
33 ward entered foster care. The court may consider the hearing at which the initial
34 order for placement is made as the first status review hearing.

35
36 (1)–(2) * * *

37
38 (3) *Findings and orders (§ 727.2(e))*

39
40 The court must consider the safety of the ward and make findings and orders
41 that determine the following:

42
43 (A)–(E) * * *

- 1
2 (F) In the case of a child ~~or youth~~ who is 16 years of age or older, the
3 services needed to assist the child ~~or youth~~ in making the transition
4 from foster care to independent living;
5
6 (G) Whether the child ~~or youth~~ was actively involved, as age- and
7 developmentally appropriate, in the development of his or her own case
8 plan and plan for permanent placement. If the court finds that the child
9 ~~or youth~~ was not appropriately involved, the court must order the
10 probation department to actively involve the child ~~or youth~~ in the
11 development of his or her own case plan and plan for permanent
12 placement, unless the court finds that the child ~~or youth~~ is unable,
13 unavailable, or unwilling to participate; ~~and~~
14
15 (H) Whether each parent was actively involved in the development of the
16 case plan and plan for permanent placement. If the court finds that any
17 parent was not actively involved, the court must order the probation
18 department to actively involve that parent in the development of the
19 case plan and plan for permanent placement, unless the court finds that
20 the parent is unable, unavailable, or unwilling to participate; and
21
22 (I) If sibling interaction has been suspended and will continue to be
23 suspended, that sibling interaction is contrary to the safety or well-
24 being of either child.

25
26 (4) * * *

27
28 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
29 *1998, January 1, 2001, January 1, 2003, January 1, 2004, January 1, 2007, and January 1,*
30 *2014.)*

31
32 **(b) Permanency planning hearings (§§ 727.2, 727.3, 11404.1)**

33
34 A permanency planning hearing for any ward who has been removed from the
35 custody of a parent or guardian and not returned at a previous review hearing must
36 be held within 12 months of the date the ward entered foster care as defined in
37 section 727.4(d)(4). ~~and periodically thereafter, but no less frequently than once~~
38 ~~every 12 months while the ward remains in placement.~~ However, when no
39 reunification services are offered to the parents or guardians under section 727.2(b),
40 the first permanency planning hearing must occur within 30 days of disposition.

41
42 (1) * * *

43

1 (2) Findings and orders (§§ 727.2(e), 727.3(a))
2

3 At each permanency planning hearing, the court must consider the safety of
4 the ward and make findings and orders regarding the following:
5

6 (A)–(C) * * *

7
8 (D) The permanent plan for the child ~~or youth~~, as described in (3);
9

10 (E) Whether the child ~~or youth~~ was actively involved, as age- and
11 developmentally appropriate, in the development of his or her own case
12 plan and plan for permanent placement. If the court finds that the child
13 ~~or youth~~ was not appropriately involved, the court must order the
14 probation officer to actively involve the child ~~or youth~~ in the
15 development of his or her own case plan and plan for permanent
16 placement, unless the court finds that the child ~~or youth~~ is unable,
17 unavailable, or unwilling to participate; and
18

19 (F) Whether each parent was actively involved in the development of the
20 case plan and plan for permanent placement. If the court finds that any
21 parent was not actively involved, the court must order the probation
22 department to actively involve that parent in the development of the
23 case plan and plan for permanent placement, unless the court finds that
24 the parent is unable, unavailable, or unwilling to participate; and
25

26 (G) If sibling interaction has been suspended and will continue to be
27 suspended, that sibling interaction is contrary to the safety or well-
28 being of either child.
29

30 (3) Selection of a permanent plan (§ 727.3(b))
31

32 At the first permanency planning hearing, the court must select a permanent
33 plan. At subsequent permanency planning hearings that must be held under
34 section 727.2(g) and rule 5.810(c), the court must either make a finding that
35 the current permanent plan is appropriate or select a different permanent plan,
36 including returning the child home, if appropriate. The court must choose
37 from one of the following permanent plans, which are, in order of priority:
38

39 (A) * * *

40
41 (B) A permanent plan of return of the child to the physical custody of the
42 parent or guardian, after 6 additional months of reunification services.
43 The court may not order this plan unless the court finds that there is a

1 substantial probability that the child will be able to return home within
2 18 months of the date of initial removal or that reasonable services
3 have not been provided to the parent or guardian.
4

5 (C)–(F) * * *

6
7 (4) * * *

8
9 *(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2001;*
10 *previously amended effective January 1, 2003, January 1, 2007, and January 1, 2014.)*
11

12 **(c) Postpermanency status review hearings (§ 727.2)**
13

14 A postpermanency status review hearing must be conducted for wards in placement
15 annually, 6 months after each permanency planning hearing no less frequently than
16 once every six months.
17

18 (1) * * *

19
20 (2) *Findings and orders (§ 727.2(g))*
21

22 At each postpermanency status review hearing, the court must consider the
23 safety of the ward and make findings and orders regarding the following:
24

25 (A) Whether the current permanent plan continues to be appropriate. If not,
26 the court must select a different permanent plan, including returning the
27 child home, if appropriate; ~~The court must not order the permanent~~
28 ~~plan of returning home after 6 more months of reunification services, as~~
29 ~~described in (b)(3)(B), unless it has been 18 months or less since the~~
30 ~~date the child was removed from home;~~
31

32 (B) * * *

33
34 (C) The extent of the probation department's compliance with the case plan
35 in making reasonable efforts to complete whatever steps are necessary
36 to finalize the permanent plan for the child; ~~and~~
37

38 (D) Whether the child ~~or youth~~ was actively involved, as age- and
39 developmentally appropriate, in the development of his or her own case
40 plan and plan for permanent placement. If the court finds that the child
41 ~~or youth~~ was not appropriately involved, the court must order the
42 probation department to actively involve the child ~~or youth~~ in the
43 development of his or her own case plan and plan for permanent

1 placement, unless the court finds that the child ~~or youth~~ is unable,
2 unavailable, or unwilling to participate; and

3
4 (E) If sibling interaction has been suspended and will continue to be
5 suspended, sibling interaction is contrary to the safety or well-being of
6 either child.

7
8 *(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2001;*
9 *previously amended effective January 1, 2003, January 1, 2007, and January 1, 2014.)*

10
11 **(d) * * ***

12
13 **(e) Report (§§ 706.5, 706.6, 727.2(c), 727.3(a)(1), 727.4(b), 16002)**

14
15 Before each hearing described above, the probation officer must investigate and
16 prepare a social study report that must include an updated case plan and all of the
17 information required in sections 706.5, 706.6, 727.2, ~~and~~ 727.3, and 16002.

- 18
19 (1) The report must contain recommendations for court findings and orders and
20 must document the evidentiary basis for those recommendations.
21
22 (2) At least 10 calendar days before each hearing, the ~~petitioner~~ probation officer
23 must file the report and provide copies of the report to the ward, the parent or
24 guardian, all attorneys of record, and any CASA volunteer.

25
26 *(Subd (e) amended effective January 1, 2016; adopted as subd (b); previously amended*
27 *and relettered as subd (e) effective January 1, 2001; previously amended effective January*
28 *1, 1998, January 1, 2003, January 1, 2007, and January 1, 2014.)*

29
30 **~~(f) Hearing by administrative panel (§§ 727.2(h), 727.4(d)(7))~~**

31
32 ~~The status review hearings described in (a) and (c) may be conducted by an~~
33 ~~administrative review panel, provided:~~

- 34
35 ~~(1) The ward, parent or guardian, and all those entitled to notice under section~~
36 ~~727.4 may attend;~~
37
38 ~~(2) Proper notice is provided;~~
39
40 ~~(3) The panel has been appointed by the presiding judge of the juvenile court and~~
41 ~~includes at least one person who is not responsible for the case management~~
42 ~~of, or delivery of service to, the ward or the parent or guardian; and~~

43

1 (4) ~~The panel makes findings as required by (a)(3) or (c)(2) above and submits~~
2 ~~them to the juvenile court for approval and inclusion in the court record.~~

3
4 *Rule 5.810 amended effective January 1, 2016; adopted as rule 1496 effective January 1, 1991;*
5 *previously amended and renumbered as rule 5.810 effective January 1, 2007; previously*
6 *amended effective January 1, 1998, January 1, 2001, January 1, 2003, January 1, 2004, January*
7 *1, 2006, and January 1, 2014.*

8
9 **Rule 5.812. Additional requirements for any hearing to terminate jurisdiction over**
10 **child in foster care and for status review or dispositional hearing for child**
11 **approaching majority (§§ 450, 451, 727.2(i)–(j), 778)**

12
13 **(a) Hearings subject to this rule**

14
15 The following hearings are subject to this rule:

16
17 (1) The last review hearing under section 727.2 or 727.3 before the child turns 18
18 years of age and a dispositional hearing under section 702 for a child under
19 an order of foster care placement who will attain 18 years of age before a
20 subsequent review hearing will be held. If the hearing is the last review
21 hearing under section 727.2 or 727.3, the ~~This~~ hearing must be set at least 90
22 days before the child attains his or her 18th birthday and within six months of
23 the previous hearing held under section 727.2 or 727.3.

24
25 (2)–(4) * * *

26
27 *(Subd (a) amended effective January 1, 2016; previously amended effective July 1, 2012.)*

28
29 **(b)–(f) * * ***

30
31 *Rule 5.812 amended effective January 1, 2016; adopted effective January 1, 2012; previously*
32 *amended effective July 1, 2012 and January 1, 2014.*

33
34 **Rule 5.906. Request by nonminor for the juvenile court to resume jurisdiction**
35 **(§§ 224.1(b), 303, 388(e), 388.1)**

36
37 **(a) Purpose**

38
39 This rule provides the procedures that must be followed when a nonminor wants to
40 have juvenile court jurisdiction assumed or resumed over him or her as a nonminor
41 dependent as defined in subdivisions (v) or (aa) of section 11400(↖).

42

1 (Subd (a) amended effective January 1, 2016; previously amended effective July 1, 2012,
2 and January 1, 2014.)

3
4 **(b) Contents of the request**

5
6 (1) The request to have the juvenile court assume or resume jurisdiction must be
7 made on the *Request to Return to Juvenile Court Jurisdiction and Foster*
8 *Care* (form JV-466).

9
10 (2)–(3) * * *

11
12 (Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2012.)

13
14 **(c) Filing the request**

15
16 (1) * * *

17
18 (2) For the convenience of the nonminor, the form JV-466 and, if the nonminor
19 wishes to keep his or her contact information confidential, the *Confidential*
20 *Information—Request to Return to Juvenile Court Jurisdiction and Foster*
21 *Care* (form JV-468) may be:

22
23 (A) Filed with the juvenile court that maintained general jurisdiction or for
24 cases petitioned under section 388.1, in the court that established the
25 guardianship or had jurisdiction when the adoption was finalized; or

26
27 (B) Submitted to the juvenile court in the county in which the nonminor
28 currently resides, after which:

29
30 (i) The court clerk must record the date and time received on the
31 face of the originals submitted and provide a copy of the originals
32 marked as received to the nonminor at no cost to ~~the~~ him or her.

33
34 (ii)–(v) * * *

35
36 (C) * * *

37
38 (3)–(5) * * *

39
40 (Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2012.)

41
42 **(d) Determination of prima facie showing**

43

1 (1) Within three court days of the filing of form JV-466 with the clerk of the
2 juvenile court of general jurisdiction, a juvenile court judicial officer must
3 review the form JV-466 and determine whether a prima facie showing has
4 been made that the nonminor meets all of the criteria set forth below in
5 (d)(1)(A)–(D) and enter an order as set forth in (d)(2) or (d)(3).
6

7 (A) The nonminor was previously under juvenile court jurisdiction subject
8 to an order for foster care placement on the date he or she attained 18
9 years of age, or the nonminor is eligible to seek assumption of
10 dependency jurisdiction pursuant to the provisions of subdivision (c) of
11 section 388.1;
12

13 (B)–(D) * * *

14
15 (2)–(3) * * *

16
17 *(Subd (d) amended effective January 1, 2016; previously amended effective July 1, 2012,*
18 *and January 1, 2014.)*
19

20 (e)–(g) * * *

21
22 **(h) Reports**
23

24 (1) The social worker, probation officer, or Indian tribal agency case worker
25 (tribal case worker) must submit a report to the court that includes:
26

27 (A) Confirmation that the nonminor was previously under juvenile court
28 jurisdiction subject to an order for foster care placement when he or she
29 attained 18 years of age and that he or she has not attained 21 years of
30 age, or is eligible to petition the court to assume jurisdiction over the
31 nonminor pursuant to section 388.1;
32

33 (B) * * *

34
35 (C) The social worker, probation officer, or tribal case worker’s opinion as
36 to whether continuing in a foster care placement is in the nonminor’s
37 best interests and recommendation about the assumption or resumption
38 of juvenile court jurisdiction over the nonminor as a nonminor
39 dependent;
40

41 (D)–(F) * * *

42
43 (2)–(3) * * *

1
2 (Subd (h) amended effective January 1, 2016; previously amended effective July 1, 2012,
3 and January 1, 2014.)
4

5 (i) **Findings and orders**

6
7 The court must read and consider, and state on the record that it has read and
8 considered, the report; the supporting documentation submitted by the social
9 worker, probation officer, or tribal case worker; the evidence submitted by the
10 nonminor; and any other evidence. The following judicial findings and orders must
11 be made and included in the written court documentation of the hearing:
12

13 (1) *Findings*

14
15 (A) * * *

16
17 (B) Whether the nonminor was previously under juvenile court jurisdiction
18 subject to an order for foster care placement when he or she attained 18
19 years of age, or meets the requirements of subparagraph (5) of
20 subdivision (c) of section 388.1;
21

22 (C)–(E) * * *

23
24 (F) Whether continuing or reentering and remaining in a foster care
25 placement is in the nonminor’s best interests;
26

27 (G)–(H) * * *

28
29 (2) *Orders*

30
31 (A) If the court finds that the nonminor has not attained 21 years of age,
32 that the nonminor intends to satisfy at least one condition under section
33 11403(b), and that the nonminor and placing agency have entered into a
34 reentry agreement, the court must:
35

36 (i) Grant the request and enter an order assuming or resuming
37 juvenile court jurisdiction over the nonminor as a nonminor
38 dependent and vesting responsibility for the nonminor’s
39 placement and care with the placing agency;
40

41 (ii)–(v) * * *

42
43 (B)–(C) * * *

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43

(3) * * *

(Subd (i) amended effective January 1, 2016; previously amended effective July 1, 2012, and January 1, 2014.)

Rule 5.906 amended effective January 1, 2016; adopted effective January 1, 2012; previously amended effective July 1, 2012, and January 1, 2014.

Advisory Committee Comment

Assembly Bill 12 (Beall; Stats. 2010, ch. 559), known as the California Fostering Connections to Success Act, as amended by Assembly Bill 212 (Beall; Stats. 2011, ch. 459), implement the federal Fostering Connections to Success and Increasing Adoptions Act, Pub.L. No. 110-351, which provides funding resources to extend the support of the foster care system to children who are still in a foster care placement on their 18th birthday. Every effort was made in the development of the rules and forms to provide an efficient framework for the implementation of this important and complex legislation.

~~The extension of benefits for nonminors up to 19 years of age during the first year and for nonminors up to 20 years of age during the following year is fully provided for in Assembly Bill 12 and does not require further action by the Legislature; however, extension of those benefits to nonminors between 20 and 21 years of age is contingent upon an appropriation by the Legislature. (Welf. & Inst. Code, § 11403(k).)~~

Rule 7.802. Electronic filing and service in contested probate proceedings

The provisions of Code of Civil Procedure section 1010.6 and rules 2.250–2.261 of the California Rules of Court concerning filing and service by electronic means apply to contested proceedings under the Probate Code and the Probate Rules to the same extent as they apply to other contested civil proceedings in each superior court in this state.

Rule 7.802 adopted effective January 1, 2016.

Rule 7.1020. Special Immigrant Juvenile Findings in Guardianship Proceedings

(a) Application

This rule applies to a request by or on behalf of a minor who is a ward or a proposed ward in a probate guardianship proceeding for judicial findings needed as a basis for filing a petition for classification as a Special Immigrant Juvenile (SIJ) under federal immigration law. The term “request under this rule” as used in this rule refers exclusively to such a request. This rule also applies to any opposition to

1 a request under this rule, any hearing on such a request and opposition, and any
2 findings of the court in response to such a request.

3
4 **(b) Request for findings**

5
6 **(1) Who may file request**

7
8 Any person or entity authorized under Probate Code section 1510 to petition
9 for the appointment of a guardian of the person of a minor, including the
10 ward or proposed ward if 12 years of age or older, may file a request for
11 findings regarding the minor under this rule.

12
13 **(A) If there is more than one ward or proposed ward in the proceeding, a**
14 **minor eligible to file a request for findings under this rule may do so**
15 **only for himself or herself.**

16
17 **(B) The court may appoint an attorney under Probate Code section 1470 or**
18 **a guardian ad litem under Probate Code sections 1003 and 1003.5 to**
19 **file and present a request for findings under this rule for a minor or to**
20 **represent the interests of a minor in a proceeding to decide a request**
21 **filed on the minor's behalf by another.**

22
23 **(2) Form of request**

24
25 **(A) A request for findings under this rule must be made by verified petition.**
26 **A separate request must be filed for each minor seeking SIJ findings.**

27
28 **(B) A request for findings under this rule by or on behalf of a minor filed**
29 **concurrently with a petition for the appointment of a guardian of the**
30 **person of the minor must be prepared and filed as a separate petition,**
31 **not as an attachment to the petition for appointment.**

32
33 **(c) Notice of hearing**

34
35 Notice of a hearing of a request for findings under this rule, and a copy of the
36 request, must be sent to the minor's parents and the persons listed in section
37 1460(b) of the Probate Code, in the manner and within the time provided in that
38 section, subject to the provisions of subdivision (e) of that section and sections
39 1202 and 1460.1 of that code.

40
41 **(d) Opposition to request**

42

1 Any of the persons who must be given notice of hearing of a request for findings
2 under this rule may file an objection or other opposition to the request.

3
4 **(e) Hearing on request**

5
6 (1) If filed concurrently, a request for findings under this rule by or on behalf of
7 a minor and a petition for appointment of a guardian of the person of that
8 minor may be heard and determined together.

9
10 (2) Hearings on separate requests for findings under this rule by or on behalf of
11 more than one ward or proposed ward in the same guardianship proceeding
12 may be consolidated on the motion of any party or on the court's own
13 motion.

14
15 (3) Hearings on requests for findings under this rule by or on behalf of minors
16 who are siblings or half-siblings and are wards or proposed wards in separate
17 guardianship proceedings may be consolidated on the motion of any party in
18 either proceeding or on the motion of the court in either proceeding. If
19 multiple departments of a single court or courts in more than one county are
20 involved, they may communicate with each other on consolidation issues in
21 the manner provided for inter-court communications on venue issues in
22 guardianship and family law matters under section 2204 of the Probate Code
23 and rule 7.1014.

24
25 (4) Hearings on contested requests for findings under this rule must be conducted
26 in the same manner as hearings on other contested petitions under the Probate
27 Code.

28
29 (5) Probate Code section 1022 applies to uncontested requests for findings under
30 this rule.

31
32 **(f) Separate findings in multi-ward cases under this rule**

33
34 The court must issue separate findings for each minor in a guardianship proceeding
35 in which more than one minor is the subject of a request under this rule.

36
37 *Rule 7.1020 adopted effective January 1, 2016.*

38
39 **Rule 7.1101. Qualifications and continuing education required of counsel appointed**
40 **by the court in guardianships and conservatorships**

41
42 **(a) Definitions**

43

1 As used in this rule, the following terms have the meanings stated below:

2
3 (1)–(5) * * *

4
5 ~~(6) “AOC” is the Administrative Office of the Courts.~~

6
7 ~~(7)(6)~~ * * *

8
9 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
10 *2009.)*

11
12 **(b)–(h)** * * *

13
14 **(i) Reporting**

15
16 The ~~AOC~~ Judicial Council may require courts to report appointed counsel’s
17 qualifications and completion of continuing education required by this rule to
18 ensure compliance with Probate Code section 1456.

19
20 *(Subd (i) amended effective January 1, 2016.)*

21
22 *Rule 7.1101 amended effective January 1, 2016; adopted effective January 1, 2008; previously*
23 *amended effective January 1, 2009, and January 1, 2011.*

24
25 **Rule 8.10. Definitions and use of terms**

26
27 Unless the context or subject matter requires otherwise, the definitions and use of terms
28 in rule 1.6 apply to these rules. In addition, the following apply:

29
30 (1)–(7) * * *

31
32 (8) “Attach” or “attachment” may refer to either physical attachment or electronic
33 attachment, as appropriate.

34
35 (9) “Copy” or “copies” may refer to electronic copies, as appropriate.

36
37 (10) “Cover” includes the cover page of a document filed electronically.

38
39 (11) “Written” and “writing” include electronically created written materials, whether or
40 not those materials are printed on paper.

41
42 *Rule 8.10 amended effective January 1, 2016; repealed and adopted as rule 40 effective January*
43 *1, 2005; previously amended and renumbered as rule 8.10 effective January 1, 2007.*

1
2 **Rule 8.11. Scope of rules**

3
4 These rules apply to documents filed and served electronically as well as in paper form,
5 unless otherwise provided.

6
7 *Rule 8.11 adopted effective January 1, 2016.*

8
9 **Rule 8.40. Form of filed documents**

10
11 (a) * * *

12
13 (b) **Cover color**

14
15 (1) As far as practicable, the covers of briefs and petitions filed in paper form
16 must be in the following colors:

17

18 Appellant's opening brief or appendix	green
19 Respondent's brief or appendix	yellow
20 Appellant's reply brief or appendix	tan
21 Joint appendix	white
22 Amicus curiae brief	gray
23 Answer to amicus curiae brief	blue
24 Petition for rehearing	orange
25 Answer to petition for rehearing	blue
26 Petition for original writ	red
27 Answer (or opposition) to petition for original writ	red
28 Reply to answer (or opposition) to petition for original writ	red
29 Petition for transfer of appellate division case to Court 30 of Appeal	white
31 Answer to petition for transfer of appellate division case 32 to Court of Appeal	blue
33 Petition for review	white
34 Answer to petition for review	blue
35 Reply to answer to petition for review	white
36 Opening brief on the merits	white
37 Answer brief on the merits	blue
38 Reply brief on the merits	white

39
40 (2) In appeals under rule 8.216, the cover of a combined respondent's brief and
41 appellant's opening brief filed in paper form must be yellow, and the cover of
42 a combined reply brief and respondent's brief filed in paper form must be tan.

43

1 (3) * * *

2

3 *(Subd (b) amended effective January 1, 2016; adopted as subd (c); previously amended*
4 *and relettered as subd (b) effective January 1, 2007; previously amended effective January*
5 *1, 2011.)*

6

7 (c) * * *

8

9 *Rule 8.40 amended effective January 1, 2016; repealed and adopted as rule 44 effective January*
10 *1, 2005; previously amended and renumbered as rule 8.40 effective January 1, 2007; previously*
11 *amended effective January 1, 2006, January 1, 2011, and January 1, 2013.*

12

13 **Rule 8.42. Requirements for signatures of multiple parties on filed documents**

14

15 When a document to be filed, in paper form, such as a stipulation, requires the signatures
16 of multiple parties, the original signature of at least one party must appear on the
17 document filed in the reviewing court; the other signatures may be in the form of copies
18 of the signed signature page of the document. Electronically filed documents must
19 comply with the relevant provisions of rule 8.77.

20

21 *Rule 8.42 amended effective January 1, 2016; adopted effective January 1, 2014.*

22

23 **Advisory Committee Comment**

24

25 ~~Please note that rule 8.77 establishes different requirements for documents that are electronically~~
26 ~~filed.~~

27

28 **Rule 8.44. Number of copies of filed documents**

29

30 ~~Except as these rules provide otherwise, the number of copies of every brief, petition,~~
31 ~~motion, application, or other document that must be filed in a reviewing court is as~~
32 ~~follows:~~

33

34 (a) **Documents filed in the Supreme Court**

35

36 Except as these rules provide otherwise, the number of copies of every brief,
37 petition, motion, application, or other document that must be filed in the Supreme
38 Court and that is filed in paper form is as follows:

39

40 (1)–(6) * * *

41

42 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
43 *2014.)*

1
2 **(b) Documents filed in a Court of Appeal**

3
4 Except as these rules provide otherwise, the number of copies of every brief,
5 petition, motion, application, or other document that must be filed in a Court of
6 Appeal and that is filed in paper form is as follows:

7
8 (1)–(7) * * *

9
10 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
11 *2011, January 1, 2013, and January 1, 2014.)*

12
13 **(c) Electronic copies**

14
15 A court that permits electronic filing will specify any requirements regarding
16 electronically filed documents in the electronic filing requirements published under
17 rule 8.74. In addition, a court may provide by local rule for the submission of an
18 electronic copy of a document that is not electronically filed either in addition to
19 the copies of a document required to be filed under (a) or (b) or as a substitute for
20 one or more of these copies. The local rule must specify the format of the electronic
21 copy and provide for an exception if it would cause undue hardship for a party to
22 submit an electronic copy.

23
24 *(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2014.)*

25
26 *Rule 8.44 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
27 *amended effective January 1, 2007, January 1, 2011, January 1, 2013, and January 1, 2014.*

28
29 **Rule 8.45. General provisions**

30
31 **(a) * * ***

32
33 **(b) Definitions**

34
35 As used in this article:

36
37 (1) “Record” means all or part of a document, paper, exhibit, transcript, or other
38 thing filed or lodged with the court by electronic means or otherwise.

39
40 (2)–(7) * * *

41
42 *(Subd (b) amended effective January 1, 2016.)*

43

1 **(c) Format of sealed and confidential records**

2
3 (1) Unless otherwise provided by law or court order, sealed or confidential
4 records that are part of the record on appeal or the supporting documents or
5 other records accompanying a motion, petition for a writ of habeas corpus,
6 other writ petition, or other filing in the reviewing court must be kept
7 separate from the rest of a clerk’s or reporter’s transcript, appendix,
8 supporting documents, or other records sent to the reviewing court and in a
9 secure manner that preserves their confidentiality.

10
11 (A)–(D) * * *

12
13 (2) * * *

14
15 (3) Records relating to a request for funds under Penal Code section 987.9 or
16 other proceedings the occurrence of which is not to be disclosed under the
17 court order or applicable law must not be bound together with, or
18 electronically transmitted as a single document with, other sealed or
19 confidential records and must not be listed in the index required under (1)(D)
20 or the alphabetical or chronological indexes to a clerk’s or reporter’s
21 transcript, appendix, supporting documents to a petition, or other records sent
22 to the reviewing court.

23
24 *(Subd (c) amended effective January 1, 2016.)*

25
26 **(d) * * ***

27
28 *Rule 8.45 amended effective January 1, 2016; adopted effective January 1, 2014.*

29
30 **Rule 8.46. Sealed records**

31
32 **(a)–(c) * * ***

33
34 **(d) Record not filed in the trial court; motion or application to file under seal**

35
36 (1)–(2) * * *

37
38 (3) To lodge a record, the party must transmit the record to the court in a secure
39 manner that preserves the confidentiality of the record to be lodged. The
40 record must be transmitted separate from the rest of a clerk’s or reporter’s
41 transcript, appendix, supporting documents, or other records sent to the
42 reviewing court with a cover sheet that complies with rule 8.40(c) and labels
43 the contents as “CONDITIONALLY UNDER SEAL.” If the record is in

1 paper format, it must be placed in a sealed envelope or other appropriate
2 sealed container.

3
4 (4)–(9) * * *

5
6 *(Subd (d) amended effective January 1, 2016; adopted as subd (e); previously amended*
7 *effective July 1, 2002, January 1, 2004, and January 1, 2007; previously amended and*
8 *relettered as subd (d) effective January 1, 2014.)*

9
10 **(e) Unsealing a record in the reviewing court**

11
12 (1)–(2) * * *

13
14 (3) If the reviewing court proposes to order a record unsealed on its own motion,
15 the court must ~~mail~~ send notice to the parties. Unless otherwise ordered by
16 the court, any party may serve and file an opposition within 10 days after the
17 notice is ~~mailed~~ sent, and any other party may serve and file a response
18 within 5 days after an opposition is filed.

19
20 (4)–(7) * * *

21
22 *(Subd (e) amended effective January 1, 2016; adopted as subd (f); previously amended*
23 *effective January 1, 2004, and January 1, 2007; previously amended and relettered as*
24 *subd (e) effective January 1, 2014.)*

25
26 **(f) * * ***

27
28 *Rule 8.46 amended effective January 1, 2016; repealed and adopted as rule 12.5 effective*
29 *January 1, 2002; previously amended and renumbered as rule 8.160 effective January 1, 2007;*
30 *previously renumbered as rule 8.46 effective January 1, 2010; previously amended effective July*
31 *1, 2002, January 1, 2004, January 1, 2006, and January 1, 2014.*

32
33 **Rule 8.47. Confidential records**

34
35 **(a) * * ***

36
37 **(b) Records of *Marsden* hearings and other in-camera proceedings**

38
39 (1)–(2) * * *

40
41 (3) A defendant may serve and file a motion or application in the reviewing court
42 requesting permission to file under seal a brief, petition, or other filing that
43 raises a *Marsden* issue or an issue related to another in-camera hearing

1 covered by this subdivision and requesting an order maintaining the
2 confidentiality of the relevant material from the reporter’s transcript of or
3 documents filed or lodged in connection with the in-camera hearing.

4
5 (A)–(B) * * *

6
7 (C) At the time the motion or application is filed, the defendant must:

8
9 (i) * * *

10
11 (ii) Lodge an unredacted version of the brief, petition, or other filing
12 that he or she is requesting be filed under seal. The filing must be
13 transmitted in a secure manner that preserves the confidentiality
14 of the filing being lodged. If this version is in paper format, it
15 must be placed in a sealed envelope or other appropriate sealed
16 container. The cover of the unredacted version of the document,
17 and if applicable the envelope or other container, must identify it
18 as “May Not Be Examined Without Court Order—Contains
19 material from conditionally sealed record.”
20

21 (D) * * *

22
23 *(Subd (b) amended effective January 1, 2016.)*

24
25 **(c) Other confidential records**

26
27 Except as otherwise provided by law or order of the reviewing court:

28
29 (1) * * *

30
31 (2) To maintain the confidentiality of material contained in a confidential record,
32 if it is necessary to disclose such material in a filing in the reviewing court, a
33 party may serve and file a motion or application in the reviewing court
34 requesting permission for the filing to be under seal.

35
36 (A)–(B) * * *

37
38 (C) At the time the motion or application is filed, the party must:

39
40 (i) * * *

41
42 (ii) Lodge an unredacted version of the brief, petition, or other filing
43 that he or she is requesting be filed under seal. The filing must be

1 transmitted in a secure manner that preserves the confidentiality
2 of the filing being lodged. If this version is in paper format, it
3 must be placed in a sealed envelope or other appropriate sealed
4 container. The cover of the unredacted version of the document,
5 and if applicable the envelope or other container, must identify it
6 as “May Not Be Examined Without Court Order—Contains
7 material from conditionally sealed record.” Material from a
8 confidential record disclosed in this version must be identified
9 and accompanied by a citation to the statute, rule of court, case,
10 or other authority establishing that the record is required by law
11 to be closed to inspection in the reviewing court.
12

13 (D) * * *

14
15 *(Subd (c) amended effective January 1, 2016.)*

16
17 *Rule 8.47 amended effective January 1, 2016; adopted effective January 1, 2014.*

18
19 **Rule 8.50. Applications**

20
21 ~~(a)–(b)~~ * * *

22
23 ~~(e)~~ — **Envelopes**

24
25 ~~An application to a Court of Appeal must be accompanied by addressed, postage-~~
26 ~~prepaid envelopes for the clerk’s use in mailing copies of the order on the~~
27 ~~application to all parties.~~
28

29 ~~(d)~~(c) **Disposition** * * *

30
31 *(Subd (c) relettered effective January 1, 2016; adopted as subd (d).)*

32
33 *Rule 8.50 amended effective January 1, 2016; repealed and adopted as rule 43 effective January*
34 *1, 2005; previously amended and renumbered as rule 8.50 effective January 1, 2007.*

35
36 **Rule 8.71. Electronic service**

37
38 ~~(a)~~ **Consent to Authorization for electronic service**

39
40 (1) A document may be electronically served under these rules:

41
42 (A) If electronic service is provided for by law or court order; or
43

1 (1) ~~(B) When a~~ If the recipient agrees to accept electronic services as
2 provided by these rules and the document may be is otherwise
3 authorized to be served by mail, express mail, overnight delivery, or
4 ~~fax transmission; electronic service of the document is permitted when~~
5 ~~authorized by these rules.~~

6
7 (2)–(3) * * *

8
9 (4) A document may be electronically served on a nonparty if the nonparty
10 consents to electronic service or electronic service is otherwise provided for
11 by law or court order.

12
13 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
14 *2011.)*

15
16 (b) * * *

17
18 (c) **Service by the parties**

19
20 (1) Notwithstanding (b), parties are responsible for electronic service on all other
21 parties in the case. A party may serve documents electronically directly, by
22 an agent, or through a designated electronic filing service provider.

23
24 (2) ~~A document may not be electronically served on a nonparty unless the~~
25 ~~nonparty consents to electronic service or electronic service is otherwise~~
26 ~~provided for by law or court order.~~

27
28 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
29 *2011.)*

30
31 (d)–(f) * * *

32
33 (g) **Electronic service by or on court**

34
35 (1) The court may electronically serve any notice, order, opinion, or other
36 document issued by the court in the same manner that parties may serve
37 documents by electronic service.

38
39 (2) A document may be electronically served on a court if the court consents to
40 electronic service or electronic service is otherwise provided for by law or
41 court order. A court indicates that it agrees to accept electronic service by:
42

1 (A) Serving a notice on all parties that the court accepts electronic service.
2 The notice must include the electronic service address at which the
3 court agrees to accept service; or
4

5 (B) Adopting a local rule stating that the court accepts electronic service.
6 The rule must indicate where to obtain the electronic service address at
7 which the court agrees to accept service.
8

9 (Subd (g) amended effective January 1, 2016.)
10

11 *Rule 8.71 amended effective January 1, 2016; adopted as rule 8.80 effective July 1, 2010;*
12 *previously amended and renumbered as rule 8.71 effective January 1, 2011.*
13

14 **Article 6. Public Access to Electronic Appellate Court Records**

15 *Title 8, Appellate Rules—Division 1, Rules Relating to the Supreme Court and Courts of Appeal—*
16 *Chapter 1, General Provisions—Article 6, Public Access to Electronic Appellate Court Records;*
17 *adopted effective January 1, 2016.*
18

19
20 **Rule 8.80. Statement of purpose**

21
22 **(a) Intent**

23
24 The rules in this article are intended to provide the public with reasonable access to
25 appellate court records that are maintained in electronic form, while protecting
26 privacy interests.
27

28 **(b) Benefits of electronic access**

29
30 Improved technologies provide courts with many alternatives to the historical
31 paper-based record receipt and retention process, including the creation and use of
32 court records maintained in electronic form. Providing public access to appellate
33 court records that are maintained in electronic form may save the courts and the
34 public time, money, and effort and encourage courts to be more efficient in their
35 operations. Improved access to appellate court records may also foster in the public
36 a more comprehensive understanding of the appellate court system.
37

38 **(c) No creation of rights**

39
40 The rules in this article are not intended to give the public a right of access to any
41 record that they are not otherwise entitled to access. The rules do not create any
42 right of access to sealed or confidential records.
43

1 *Rule 8.80 adopted effective January 1, 2016.*

2
3 **Advisory Committee Comment**

4
5 The rules in this article acknowledge the benefits that electronic court records provide but attempt
6 to limit the potential for unjustified intrusions into the privacy of individuals involved in litigation
7 that can occur as a result of remote access to electronic court records. The proposed rules take
8 into account the limited resources currently available in the appellate courts. It is contemplated
9 that the rules may be modified to provide greater electronic access as the courts' technical
10 capabilities improve and with the knowledge gained from the experience of the courts in
11 providing electronic access under these rules.

12
13 **Subdivision (c).** Rules 8.45–8.47 govern sealed and confidential records in the appellate courts.

14
15 **Rule 8.81. Application and scope**

16
17 **(a) Application**

18
19 The rules in this article apply only to records of the Supreme Court and Courts of
20 Appeal.

21
22 **(b) Access by parties and attorneys**

23
24 The rules in this article apply only to access to court records by the public. They do
25 not limit access to court records by a party to an action or proceeding, by the
26 attorney of a party, or by other persons or entities that are entitled to access by
27 statute or rule.

28
29 *Rule 8.81 adopted effective January 1, 2016.*

30
31 **Rule 8.82. Definitions**

32
33 As used in this article, the following definitions apply:

34
35 (1) “Court record” is any document, paper, exhibit, transcript, or other thing filed in an
36 action or proceeding; any order, judgment, or opinion of the court; and any court
37 minutes, index, register of actions, or docket. The term does not include the
38 personal notes or preliminary memoranda of justices, judges, or other judicial
39 branch personnel.

40
41 (2) “Electronic record” is a court record that requires the use of an electronic device to
42 access. The term includes both a record that has been filed electronically and an
43 electronic copy or version of a record that was filed in paper form.

- 1
2 (3) “The public” means an individual, a group, or an entity, including print or
3 electronic media, or the representative of an individual, a group, or an entity.
4
5 (4) “Electronic access” means computer access to court records available to the public
6 through both public terminals at the courthouse and remotely, unless otherwise
7 specified in the rules in this article.
8
9 (5) Providing electronic access to electronic records “to the extent it is feasible to do
10 so” means that electronic access must be provided to the extent the court
11 determines it has the resources and technical capacity to do so.
12
13 (6) “Bulk distribution” means distribution of multiple electronic records that is not
14 done on a case-by-case basis.
15

16 *Rule 8.82 adopted effective January 1, 2016.*

17
18 **Rule 8.83. Public access**

19
20 **(a) General right of access**

21
22 All electronic records must be made reasonably available to the public in some
23 form, whether in electronic or in paper form, except sealed or confidential records.
24

25 **(b) Electronic access required to extent feasible**

26
27 (1) Electronic access, both remote and at the courthouse, will be provided to the
28 following court records, except sealed or confidential records, to the extent it
29 is feasible to do so:

30
31 (A) Dockets or registers of actions;

32
33 (B) Calendars;

34
35 (C) Opinions; and

36
37 (D) The following Supreme Court records:

38
39 i. Results from the most recent Supreme Court weekly conference;

40
41 ii. Party briefs in cases argued in the Supreme Court for at least the
42 preceding three years;
43

1 iii. Supreme Court minutes from at least the preceding three years.

2
3 (2) If a court maintains records in civil cases in addition to those listed in (1) in
4 electronic form, electronic access to these records, except those listed in (c),
5 must be provided both remotely and at the courthouse, to the extent it is
6 feasible to do so.

7
8 **(c) Courthouse electronic access only**

9
10 If a court maintains the following records in electronic form, electronic access to
11 these records must be provided at the courthouse, to the extent it is feasible to do
12 so, but remote electronic access may not be provided to these records:

13
14 (1) Any reporter’s transcript for which the reporter is entitled to receive a fee;
15 and

16
17 (2) Records other than those listed in (b)(1) in the following proceedings:

18
19 (A) Proceedings under the Family Code, including proceedings for
20 dissolution, legal separation, and nullity of marriage; child and spousal
21 support proceedings; child custody proceedings; and domestic violence
22 prevention proceedings;

23
24 (B) Juvenile court proceedings;

25
26 (C) Guardianship or conservatorship proceedings;

27
28 (D) Mental health proceedings;

29
30 (E) Criminal proceedings;

31
32 (F) Civil harassment proceedings under Code of Civil Procedure section
33 527.6;

34
35 (G) Workplace violence prevention proceedings under Code of Civil
36 Procedure section 527.8;

37
38 (H) Private postsecondary school violence prevention proceedings under
39 Code of Civil Procedure section 527.85;

40
41 (I) Elder or dependent adult abuse prevention proceedings under Welfare
42 and Institutions Code section 15657.03; and

43

1 (J) Proceedings to compromise the claims of a minor or a person with a
2 disability.

3
4 **(d) Remote electronic access allowed in extraordinary cases**

5
6 Notwithstanding (c)(2), the presiding justice of the court, or a justice assigned by
7 the presiding justice, may exercise discretion, subject to (d)(1), to permit remote
8 electronic access by the public to all or a portion of the public court records in an
9 individual case if (1) the number of requests for access to documents in the case is
10 extraordinarily high and (2) responding to those requests would significantly
11 burden the operations of the court. An individualized determination must be made
12 in each case in which such remote electronic access is provided.

13
14 (1) In exercising discretion under (d), the justice should consider the relevant
15 factors, such as:

16
17 (A) The privacy interests of parties, victims, witnesses, and court personnel,
18 and the ability of the court to redact sensitive personal information;

19
20 (B) The benefits to and burdens on the parties in allowing remote electronic
21 access; and

22
23 (C) The burdens on the court in responding to an extraordinarily high
24 number of requests for access to documents.

25
26 (2) The following information must be redacted from records to which the court
27 allows remote access under (d): driver's license numbers; dates of birth;
28 social security numbers; Criminal Identification and Information and
29 National Crime Information numbers; addresses, e-mail addresses, and phone
30 numbers of parties, victims, witnesses, and court personnel; medical or
31 psychiatric information; financial information; account numbers; and other
32 personal identifying information. The court may order any party who files a
33 document containing such information to provide the court with both an
34 original unredacted version of the document for filing in the court file and a
35 redacted version of the document for remote electronic access. No juror
36 names or other juror identifying information may be provided by remote
37 electronic access. Subdivision (d)(2) does not apply to any document in the
38 original court file; it applies only to documents that are made available by
39 remote electronic access.

40
41 (3) Five days' notice must be provided to the parties and the public before the
42 court makes a determination to provide remote electronic access under this
43 rule. Notice to the public may be accomplished by posting notice on the

1 court's website. Any person may file comments with the court for
2 consideration, but no hearing is required.

3
4 (4) The court's order permitting remote electronic access must specify which
5 court records will be available by remote electronic access and what
6 categories of information are to be redacted. The court is not required to
7 make findings of fact. The court's order must be posted on the court's
8 website and a copy sent to the Judicial Council.

9
10 **(e) Access only on a case-by-case basis**

11
12 With the exception of the records covered by (b)(1), electronic access to an
13 electronic record may be granted only when the record is identified by the number
14 of the case, the caption of the case, the name of a party, the name of the attorney, or
15 the date of oral argument, and only on a case-by-case basis.

16
17 **(f) Bulk distribution**

18
19 Bulk distribution may be provided only of the records covered by (b)(1).

20
21 **(g) Records that become inaccessible**

22
23 If an electronic record to which electronic access has been provided is made
24 inaccessible to the public by court order or by operation of law, the court is not
25 required to take action with respect to any copy of the record that was made by a
26 member of the public before the record became inaccessible.

27
28 *Rule 8.83 adopted effective January 1, 2016.*

29
30 **Advisory Committee Comment**

31
32 The rule allows a level of access by the public to all electronic records that is at least equivalent
33 to the access that is available for paper records and, for some types of records, is much greater. At
34 the same time, it seeks to protect legitimate privacy concerns.

35
36 **Subdivision (b).** Courts should encourage availability of electronic access to court records at
37 public off-site locations.

38
39 **Subdivision (c).** This subdivision excludes certain records (those other than the register, calendar,
40 opinions, and certain Supreme Court records) in specified types of cases (notably criminal,
41 juvenile, and family court matters) from remote electronic access. The committees recognized
42 that while these case records are public records and should remain available at the courthouse,
43 either in paper or electronic form, they often contain sensitive personal information. The court

1 should not publish that information over the Internet. However, the committees also recognized
2 that the use of the Internet may be appropriate in certain individual cases of extraordinary public
3 interest where information regarding a case will be widely disseminated through the media. In
4 such cases, posting of selected nonconfidential court records, redacted where necessary to protect
5 the privacy of the participants, may provide more timely and accurate information regarding the
6 court proceedings, and may relieve substantial burdens on court staff in responding to individual
7 requests for documents and information. Thus, under subdivision (d), if the presiding justice
8 makes individualized determinations in a specific case, certain records in individual cases may be
9 made available over the Internet.

10
11 **Subdivision (d).** Courts must send a copy of the order permitting remote electronic access in
12 extraordinary cases to: Legal Services, Judicial Council of California, 455 Golden Gate Avenue,
13 San Francisco, CA 94102-3688.

14
15 **Subdivisions (e) and (f).** These subdivisions limit electronic access to records (other than the
16 register, calendars, opinions, and certain Supreme Court records) to a case-by-case basis and
17 prohibit bulk distribution of those records. These limitations are based on the qualitative
18 difference between obtaining information from a specific case file and obtaining bulk information
19 that may be manipulated to compile personal information culled from any document, paper, or
20 exhibit filed in a lawsuit. This type of aggregate information may be exploited for commercial or
21 other purposes unrelated to the operations of the courts, at the expense of privacy rights of
22 individuals.

23
24 **Rule 8.84. Limitations and conditions**

25
26 **(a) Means of access**

27
28 Electronic access to records required under this article must be provided by means
29 of a network or software that is based on industry standards or is in the public
30 domain.

31
32 **(b) Official record**

33
34 Unless electronically certified by the court, a court record available by electronic
35 access is not the official record of the court.

36
37 **(c) Conditions of use by persons accessing records**

38
39 Electronic access to court records may be conditioned on:

- 40
41 (1) The user's consent to access the records only as instructed; and
42
43 (2) The user's consent to monitoring of access to its records.

1
2 The court must give notice of these conditions, in any manner it deems appropriate.
3 Access may be denied to a member of the public for failure to comply with either
4 of these conditions of use.

5
6 **(d) Notices to persons accessing records**

7
8 The court must give notice of the following information to members of the public
9 accessing its records electronically, in any manner it deems appropriate:

10
11 (1) The identity of the court staff member to be contacted about the requirements
12 for accessing the court's records electronically.

13
14 (2) That copyright and other proprietary rights may apply to information in a
15 case file, absent an express grant of additional rights by the holder of the
16 copyright or other proprietary right. This notice must advise the public that:

17
18 (A) Use of such information in a case file is permissible only to the extent
19 permitted by law or court order; and

20
21 (B) Any use inconsistent with proprietary rights is prohibited.

22
23 (3) Whether electronic records are the official records of the court. The notice
24 must describe the procedure and any fee required for obtaining a certified
25 copy of an official record of the court.

26
27 (4) That any person who willfully destroys or alters any court record maintained
28 in electronic form is subject to the penalties imposed by Government Code
29 section 6201.

30
31 **(e) Access policy**

32
33 A privacy policy must be posted on the California Courts public-access website to
34 inform members of the public accessing its electronic records of the information
35 collected regarding access transactions and the uses that may be made of the
36 collected information.

37
38 *Rule 8.84 adopted effective January 1, 2016.*

39
40 **Rule 8.85. Fees for copies of electronic records**

41
42 The court may impose fees for the costs of providing copies of its electronic records,
43 under Government Code section 68928.

1
2 *Rule 8.85 adopted effective January 1, 2016.*

3
4 **Rule 8.100. Filing the appeal**

5
6 (a) * * *

7
8 (b) **Fee and deposit**

9
10 (1) Unless otherwise provided by law, the notice of appeal must be accompanied
11 by the \$775 filing fee under Government Code sections 68926 and
12 68926.1(b), an application for a waiver of court fees and costs on appeal
13 under rule 8.26, or an order granting such an application. The fee ~~should~~ may
14 be paid by check or money order payable to “Clerk, Court of Appeal”; if the
15 fee is paid in cash, the clerk must give a receipt. The fee may also be paid by
16 any method permitted by the court pursuant to rules 2.258 and 8.78.

17
18 (2)–(3) * * *

19
20 *(Subd (b) amended effective January 1, 2016; previously amended effective August 17,*
21 *2003, January 1, 2007, July 1, 2009, and July 27, 2012.)*

22
23 (c)–(d) * * *

24
25 (e) **Superior court clerk’s duties**

26
27 (1) The superior court clerk must promptly ~~mail~~ send a notification of the filing
28 of the notice of appeal to the attorney of record for each party, to any
29 unrepresented party, and to the reviewing court clerk.

30
31 (2) The notification must show the date it was ~~mailed~~ sent and must state the
32 number and title of the case and the date the notice of appeal was filed. If the
33 information is available, the notification must include:

34
35 (A) The name, address, telephone number, e-mail address, and California
36 State Bar number of each attorney of record in the case;

37
38 (B) * * *

39
40 (C) The name, address, ~~and~~ telephone number and e-mail address of any
41 unrepresented party.

42
43 (3) * * *

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(4) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of the clerk’s duty despite the death of the party or the discharge, disqualification, suspension, disbarment, or death of the attorney.

(5)–(6) * * *

(Subd (e) amended effective January 1, 2016.)

(f) * * *

(g) Civil case information statement

(1) Within 15 days after the superior court clerk ~~mails~~ sends the notification of the filing of the notice of appeal required by (e)(1), the appellant must serve and file in the reviewing court a completed *Civil Case Information Statement* (form APP-004), attaching a copy of the judgment or appealed order that shows the date it was entered.

(2) If the appellant fails to timely file a case information statement under (1), the reviewing court clerk must notify the appellant ~~by mail~~ in writing that the appellant must file the statement within 15 days after the clerk’s notice is ~~mailed~~ sent and that if the appellant fails to comply, the court may either impose monetary sanctions or dismiss the appeal. If the appellant fails to file the statement as specified in the notice, the court may impose the sanctions specified in the notice.

(Subd (g) amended effective January 1, 2016; adopted as subd (f) effective January 1, 2003; previously amended and relettered as subd (g) effective January 1, 2008; previously amended effective January 1, 2007, and January 1, 2014.)

Rule 8.100 amended effective January 1, 2016; repealed and adopted as rule 1 effective January 1, 2002; previously amended and renumbered as rule 8.100 effective January 1, 2007; previously amended effective January 1, 2003, August 17, 2003, January 1, 2008, July 1, 2009, July 27, 2012, and January 1, 2014.

Advisory Committee Comment

Subdivision (a). * * *

Subdivision (b). * * *

Subdivision (c)(2). * * *

1
2 **Subdivision (e).** Under subdivision (e)(2), a notification of the filing of a notice of appeal must
3 show the date that the clerk ~~mailed~~ sent the document. This provision is intended to establish the
4 date when the 20-day extension of the time to file a cross-appeal under rule 8.108(e) begins to
5 run.

6
7 Subdivision (e)(1) requires the clerk to ~~mail~~ send a notification of the filing of the notice of
8 appeal to the appellant’s attorney or to the appellant if unrepresented. Knowledge of the date of
9 that notification allows the appellant’s attorney or the appellant to track the running of the 20-day
10 extension of time to file a cross-appeal under rule 8.108(e).

11
12 **Rule 8.104. Time to appeal**

13
14 **(a) Normal time**

15
16 (1) Unless a statute, rule 8.108, or rule 8.702 provides otherwise, a notice of
17 appeal must be filed on or before the earliest of:

18
19 (A) 60 days after the superior court clerk serves on the party filing the
20 notice of appeal a document entitled “Notice of Entry” of judgment or a
21 ~~filed-stamped~~ endorsed copy of the judgment, showing the date either
22 was served;

23
24 (B) 60 days after the party filing the notice of appeal serves or is served by
25 a party with a document entitled “Notice of Entry” of judgment or a
26 ~~filed-stamped~~ endorsed copy of the judgment, accompanied by proof of
27 service; or

28
29 (C) * * *

30
31 (2) * * *

32
33 (3) If the parties stipulated in the trial court under Code of Civil Procedure
34 section 1019.5 to waive notice of the court order being appealed, the time to
35 appeal under (1)(C) applies unless the court or a party serves notice of entry
36 of judgment or a ~~filed-stamped~~ endorsed copy of the judgment to start the
37 time period under (1)(A) or (B).

38
39 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
40 *2007, January 1, 2010, July 1, 2012, and July 1, 2014.)*

41
42 **(b)–(e) * * ***

43

1 *Rule 8.104 amended effective January 1, 2016; repealed and adopted as rule 2 effective January*
2 *1, 2002; previously amended and renumbered as rule 8.104 effective January 1, 2007; previously*
3 *amended effective January 1, 2005, January 1, 2010, January 1, 2011, July 1, 2011, July 1, 2012,*
4 *and July 1, 2014.*

5
6 **Rule 8.108. Extending the time to appeal**

7
8 **(a)–(e) * * ***

9
10 **(f) Public entity actions under Government Code section 962, 984, or 985**

11
12 If a public entity defendant serves and files a valid request for a mandatory
13 settlement conference on methods of satisfying a judgment under Government
14 Code section 962, an election to pay a judgment in periodic payments under
15 Government Code section 984 and rule 3.1804, or a motion for a posttrial hearing
16 on reducing a judgment under Government Code section 985, the time to appeal
17 from the judgment is extended for all parties until the earliest of:

- 18
19 (1) 90 days after the superior court clerk serves the party filing the notice of
20 appeal with a document entitled “Notice of Entry” of judgment, or a filed-
21 ~~stamped~~endorsed copy of the judgment, showing the date either was served;
22
23 (2) 90 days after the party filing the notice of appeal serves or is served by a
24 party with a document entitled “Notice of Entry” of judgment or a filed-
25 ~~stamped~~endorsed copy of the judgment, accompanied by proof of service; or
26
27 (3) * * *

28
29 *(Subd (f) amended effective January 1, 2016; adopted effective January 1, 2011.)*

30
31 **(g)–(h) * * ***

32
33 *Rule 8.108 amended effective January 1, 2016; repealed and adopted as rule 3 effective January*
34 *1, 2002; previously amended and renumbered as rule 8.108 effective January 1, 2007; previously*
35 *amended effective January 1, 2008, January 1, 2011, July 1, 2012, and January 1, 2015.*

36
37 **Rule 8.112. Petition for writ of supersedeas**

38
39 **(a) Petition**

40
41 **(1)–(3) * * ***

- 42
43 (4) If the record has not been filed in the reviewing court:

1
2 (A)–(B) * * *

3
4 (C) The documents listed in (B) must comply with the following
5 requirements:

6
7 (i) If filed in paper form, they must be bound together at the end of
8 the petition or in separate volumes not exceeding 300 pages each.
9 The pages must be consecutively numbered;

10
11 (ii) If filed in paper form, they must be index-tabbed by number or
12 letter, and

13
14 (iii) They must begin with a table of contents listing each document
15 by its title and its index-~~tab~~ number or letter.
16

17 (5) * * *

18
19 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
20 *2007, January 1, 2008, January 1, 2010, and July 1, 2013.)*
21

22 **(b)–(d) * * ***

23
24 *Rule 8.112 amended effective January 1, 2016; repealed and adopted as rule 49 effective January*
25 *1, 2005; previously amended and renumbered as rule 8.112 effective January 1, 2007; previously*
26 *amended effective January 1, 2008, January 1, 2009, January 1, 2010, and July 1, 2013.*
27

28 **Rule 8.123. Record of administrative proceedings**

29
30 **(a)–(b) * * ***

31
32 **(c) Transmittal to the reviewing court**

33
34 Except as provided in (d), if any administrative record is designated by a party, the
35 superior court clerk must transmit the original administrative record, or electronic
36 administrative record, with any clerk's or reporter's transcript sent to the reviewing
37 court under rule 8.150. If the appellant has elected under rule 8.121 to use neither a
38 clerk's transcript nor a reporter's transcript, the superior court clerk must transmit
39 any administrative record designated by a party to the reviewing court no later than
40 45 days after the respondent files a designation under (b)(2) or the time for filing it
41 expires, whichever first occurs.
42

1 *(Subd (c) amended effective January 1, 2016; adopted as subd (d); previously amended*
2 *and relettered as subd (c) effective January 1, 2013.)*

3
4 **(d)–(e) * * ***

5
6 *Rule 8.123 amended effective January 1, 2016; adopted effective January 1, 2008; previously*
7 *amended effective January 1, 2013.*

8
9 **Rule 8.124. Appendixes**

10
11 **(a) Notice of election**

12
13 (1)–(2) * * *

14
15 (3) The parties may prepare separate appendixes, ~~but are encouraged to~~ or they
16 may stipulate to a joint appendix.

17
18 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
19 *2005, January 1, 2007, January 1, 2008, and January 1, 2010.)*

20
21 **(b) * * ***

22
23 **(c) Document or exhibit held by other party**

24
25 If a party preparing an appendix wants it to contain a copy of a document or an
26 exhibit in the possession of another party:

27
28 (1)–(2) * * *

29
30 (3) If the party possessing the document or exhibit sends it to the requesting
31 party non-electronically, that party must copy and return it to the possessing
32 party within 10 days after receiving it.

33
34 (4) * * *

35
36 (5) On request, the reviewing court may return a document or an exhibit to the
37 party that sent it non-electronically. When the remittitur issues, the reviewing
38 court must return all documents or exhibits to the party that sent them, if they
39 were sent non-electronically.

40
41 *(Subd (c) amended effective January 1, 2016; adopted effective January 1, 2005;*
42 *previously amended effective January 1, 2007, and January 1, 2010.)*

43

1 **(d) Form of appendix**

2
3 (1) An appendix must comply with the requirements of rule 8.144(~~ab~~)-(ed) for a
4 clerk's transcript.

5
6 (2) * * *

7
8 (3) An appendix must not be bound or transmitted electronically as one
9 document with a brief.

10
11 *(Subd (d) amended effective January 1, 2016; adopted as subd (c); relettered as subd (d)*
12 *effective January 1, 2005; previously amended effective January 1, 2007.)*

13
14 **(e)-(g) * * ***

15
16 *Rule 8.124 amended effective January 1, 2016; repealed and adopted as rule 5.1 effective*
17 *January 1, 2002; previously amended and renumbered as rule 8.124 effective January 1, 2007;*
18 *previously amended effective January 1, 2005, January 1, 2008, and January 1, 2010.*

19
20 **Rule 8.128. Superior court file instead of clerk's transcript**

21
22 **(a) * * ***

23
24 **(b) Cost estimate; preparation of file; transmittal**

25
26 (1) Within 10 days after a stipulation under (a) is filed, the superior court clerk
27 must ~~mail~~ send the appellant an estimate of the cost to prepare the file,
28 including the cost of sending the index under (3). The appellant must deposit
29 the cost or file an application for, or an order granting, a waiver of the cost
30 within 10 days after the clerk ~~mails~~ sends the estimate.

31
32 (2)-(4) * * *

33
34 *(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2009.)*

35
36 *Rule 8.128 amended effective January 1, 2016; repealed and adopted as rule 5.2 effective*
37 *January 1, 2002; previously amended and renumbered as rule 8.128 effective January 1, 2007;*
38 *previously amended effective January 1, 2008, and July 1, 2009.*

39
40 **Rule 8.130. Reporter's transcript**

41
42 **(a) * * ***

43

1 **(b) Deposit or substitute for cost of transcript**

2
3 (1) * * *

4
5 (2) If the reporter believes the deposit is inadequate, within 15 days after the
6 clerk ~~mails~~ sends the notice under (d)(1) the reporter may file with the clerk
7 and ~~mail~~ send to the designating party an estimate of the transcript's total cost
8 at the statutory rate, showing the additional deposit required. The party must
9 deposit the additional sum within 10 days after the reporter ~~mails~~ sends the
10 estimate.

11
12 (3) * * *

13
14 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
15 *2007, January 1, 2010, and January 1, 2014.)*

16
17 **(c) * * ***

18
19 **(d) Superior court clerk's duties**

20
21 (1) * * *

22
23 (2) The clerk must promptly ~~mail~~ send the reporter notice of the designation and
24 of the deposit or substitute and notice to prepare the transcript, showing the
25 date the notice was ~~mailed~~ sent to the reporter, when the court receives:

26
27 (A)–(C) * * *

28
29 (3) If the appellant does not present the deposit under (b)(1) or a substitute under
30 (b)(3) with its notice of designation or does not present an additional deposit
31 required under (b)(2):

32
33 (A) The clerk must promptly notify the appellant ~~by mail~~ in writing that,
34 within 15 days after the notice is ~~mailed~~ sent, the appellant must take
35 one of the following actions or the court may dismiss the appeal:

36
37 (i)–(v) * * *

38
39 (B) * * *

40
41 (4)–(5) * * *

42

1 (Subd (d) amended effective January 1, 2016; previously amended effective January 1,
2 2007, January 1, 2008, and January 1, 2014.)

3
4 (e) * * *

5
6 **(f) Filing the transcript; copies; payment**

7
8 (1) Within 30 days after notice is ~~mailed~~ sent under (d)(2), the reporter must
9 prepare and certify an original of the transcript and file it in superior court.
10 The reporter must also file one copy of the original transcript, or more than
11 one copy if multiple appellants equally share the cost of preparing the record
12 (see rule 8.147(a)(2)). Only the reviewing court can extend the time to
13 prepare the reporter's transcript (see rule 8.60).

14
15 (2)–(4) * * *

16
17 (Subd (f) amended effective January 1, 2016; previously amended effective January 1,
18 2007, July 1, 2008, and January 1, 2014.)

19
20 (g) * * *

21
22 **(h) Agreed or settled statement when proceedings cannot be transcribed**

23
24 (1) If any portion of the designated proceedings cannot be transcribed, the
25 superior court clerk must so notify the designating party ~~by mail~~ in writing;
26 the notice must show the date it was ~~mailed~~ sent. The party may then
27 substitute an agreed or settled statement for that portion of the designated
28 proceedings by complying with either (A) or (B):

29
30 (A) Within 10 days after the notice is ~~mailed~~ sent, the party may file in
31 superior court, under rule 8.134, an agreed statement or a stipulation
32 that the parties are attempting to agree on a statement. If the party files
33 a stipulation, within 30 days thereafter the party must file the agreed
34 statement, move to use a settled statement under rule 8.137, or proceed
35 without such a statement; or

36
37 (B) Within 10 days after the notice is ~~mailed~~ sent, the party may move in
38 superior court to use a settled statement. If the court grants the motion,
39 the statement must be served, filed, and settled as rule 8.137 provides,
40 but the order granting the motion must fix the times for doing so.

41
42 (2)–(3) * * *

43

1 *(Subd (h) amended effective January 1, 2016; adopted as subd (g); previously amended*
2 *effective January 1, 2007; previously relettered as subd (h) effective January 1, 2014.)*

3
4 *Rule 8.130 amended effective January 1, 2016; repealed and adopted as rule 4 effective January*
5 *1, 2002; previously amended and renumbered as rule 8.130 effective January 1, 2007; previously*
6 *amended effective January 1, 2005, January 1, 2008, July 1, 2008, January 1, 2010, and January*
7 *1, 2014.*

8
9

Advisory Committee Comment

10
11

Subdivision (a). * * *

12
13

Subdivision (b). * * *

14
15

Subdivision (c). * * *

16
17

Subdivision (d). Under subdivision (d)(2), the clerk’s notice to the reporter must show the date
18 on which the clerk ~~mailed~~ sends the notice. This provision is intended to establish the date when
19 the period for preparing the reporter’s transcript under subdivision (f)(1) begins to run.

20
21

Subdivision (e). * * *

22
23

Subdivision (f). * * *

24
25

Rule 8.137. Settled statement

26
27

(a) Motion to use settled statement

28
29

(1)–(2) * * *

30
31

(3) If the court denies the motion, the appellant must file a new notice
32 designating the record on appeal under rule 8.121 within 10 days after the
33 superior court clerk ~~mails~~ sends, or a party serves, the order of denial.

34
35

(Subd (a) amended effective January 1, 2016; previously amended effective January 1,
36 *2007, and January 1, 2008.)*

37
38

(b) Time to file; contents of statement

39
40

(1) Within 30 days after the superior court clerk ~~mails~~ sends, or a party serves, an
41 order granting a motion to use a settled statement, the appellant must serve
42 and file in superior court a condensed narrative of the oral proceedings that
43 the appellant believes necessary for the appeal. Subject to the court’s

1 approval in settling the statement, the appellant may present some or all of
2 the evidence by question and answer.

3
4 (2)–(5) * * *

5
6 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
7 *2007, and January 1, 2008.)*

8
9 (c) * * *

10
11 *Rule 8.137 amended effective January 1, 2016; repealed and adopted as rule 7 effective January*
12 *1, 2002; previously amended and renumbered as rule 8.137 effective January 1, 2007; previously*
13 *amended effective January 1, 2008.*

14
15 **Rule 8.140. Failure to procure the record**

16
17 (a) **Notice of default**

18
19 Except as otherwise provided by these rules, if a party fails to timely do an act
20 required to procure the record, the superior court clerk must promptly notify the
21 party ~~by mail~~ in writing that it must do the act specified in the notice within 15 days
22 after the notice is ~~mailed~~ sent, and that if it fails to comply, the reviewing court
23 may impose one of the following sanctions:

24
25 (1)–(2) * * *

26
27 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
28 *2007, January 1, 2008, and January 1, 2014.)*

29
30 (b)–(c) * * *

31
32 *Rule 8.140 amended effective January 1, 2016; adopted as rule 8 effective January 1, 2002;*
33 *previously amended and renumbered as rule 8.140 effective January 1, 2007; previously*
34 *amended effective January 1, 2008, and January 1, 2014.*

35
36 **Rule 8.144. Form of the record**

37
38 (a) **Paper and format**

39
40 (1) In the clerk's and reporter's transcripts:

41

1 (A) All documents filed must have a page size of 8½ by 11 inches. If filed
2 in paper form, the paper must be white or unbleached, 8½ by 11
3 inches, and of at least 20-pound weight;

4
5 (B)–(D) * * *

6
7 (E) The margin must be at least 1¼ inches ~~on the bound side of the page~~
8 from the left edge.

9
10 (2) If filed in paper form, in the clerk’s transcript only one side of the paper may
11 be used; in the reporter’s transcript both sides may be used, but the margins
12 must then be 1¼ inches on each edge.

13
14 (3)–(4) * * *

15
16 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
17 *2007, and January 1, 2014.)*

18
19 **(b) Indexes**

20
21 Except as provided in rule 8.45, at the beginning of the first volume of each:

22
23 (1) The clerk’s transcript must contain alphabetical and chronological indexes
24 listing each document and the volume, where applicable, and page where it
25 first appears;

26
27 (2) The reporter’s transcript must contain alphabetical and chronological indexes
28 listing the volume, where applicable, and page where each witness’s direct,
29 cross, and any other examination, begins; and

30
31 (3) The reporter’s transcript must contain an index listing the volume, where
32 applicable, and page where any exhibit is marked for identification and where
33 it is admitted or refused. The index must identify each exhibit by number or
34 letter and a brief description of the exhibit.

35
36 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
37 *2007, January 1, 2008, and January 1, 2014.)*

38
39 **(c) Binding and cover**

40
41 (1) If filed in paper form, clerk’s and reporter’s transcripts must be bound on the
42 left margin in volumes of no more than 300 sheets.

43

1 (2)–(3) * * *

2

3 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
4 *2014.)*

5

6 **(d)–(f) * * ***

7

8 *Rule 8.144 amended effective January 1, 2016; repealed and adopted as rule 9 effective January*
9 *1, 2002; previously amended and renumbered as rule 8.144 effective January 1, 2007; previously*
10 *amended effective January 1, 2008, and January 1, 2014.*

11

12

Advisory Committee Comment

13

14 **Subdivisions (a) and (b).** Subdivisions (a)(4) and (b)(4) refer to special requirements concerning
15 sealed and confidential records established by rules 8.45–8.47. Rule 8.45(c)(2) and (3) establish
16 special requirements regarding references to sealed and confidential records in the alphabetical
17 and chronological indexes to clerk’s and reporter’s transcripts.

18

19 **Rule 8.147. Record in multiple or later appeals in same case**

20

21 **(a) * * ***

22

23 **(b) Later appeal**

24

25 In an appeal in which the parties are using either a clerk’s transcript under rule
26 8.122 or a reporter’s transcript under rule 8.130:

27

28 (1) A party wanting to incorporate by reference all or parts of a record in a prior
29 appeal in the same case must specify those parts in its designation of the
30 record.

31

32 (A) The prior appeal must be identified by its case name and number. If
33 only part of a record is being incorporated by reference, that part must
34 be identified by citation to the volume, where applicable, and page
35 numbers of the record where it appears and either the title of the
36 document or documents or the date of the oral proceedings to be
37 incorporated. The parts of any record incorporated by reference must be
38 identified in a separate section at the end of the designation of the
39 record.

40

41 **(B)–(C) * * ***

42

43 **(2) * * ***

1
2 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
3 *2007, January 1, 2008, and January 1, 2010.)*

4
5 *Rule 8.147 amended effective January 1, 2016; repealed and adopted as rule 10 effective January*
6 *1, 2002; previously amended and renumbered as rule 8.147 effective January 1, 2007; previously*
7 *amended effective January 1, 2008, and January 1, 2010.*

8
9 **Rule 8.150. Filing the record**

10
11 (a) * * *

12
13 (b) **Reviewing court clerk's duties**

14
15 On receiving the record, the reviewing court clerk must promptly file the original
16 and ~~mail~~ send notice of the filing date to the parties.

17
18 *(Subd (b) amended effective January 1, 2016; adopted as part of subd (a) effective January*
19 *1, 2002; previously amended and lettered as subd (b) effective January 1, 2007.)*

20
21 *Rule 8.150 amended effective January 1, 2016; repealed and adopted as rule 11 effective January*
22 *1, 2002; previously amended and renumbered as rule 8.150 effective January 1, 2007.*

23
24 **Rule 8.204. Contents and form of briefs**

25
26 (a) * * *

27
28 (b) **Form**

29
30 (1) A brief may be reproduced by any process that produces a clear, black image
31 of letter quality. All documents filed must have a page size of 8½ by 11
32 inches. If filed in paper form, the paper must be white or unbleached, 8½ by
33 11 inches, and of at least 20-pound weight.

34
35 (2) Any conventional ~~typeface~~ font may be used. The ~~typeface~~ font may be either
36 proportionally spaced or monospaced.

37
38 (3) The ~~type~~ font style must be roman; but for emphasis, italics or boldface may
39 be used or the text may be underscored. Case names must be italicized or
40 underscored. Headings may be in uppercase letters.

41
42 (4) Except as provided in (1), the ~~type~~ font size, including footnotes, must not
43 be smaller than 13-point, and both sides of the paper may be used.

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(5)–(7) * * *

(8) If filed in paper form, the brief must be bound on the left margin. If the brief is stapled, the bound edge and staples must be covered with tape.

(9) * * *

(10) If filed in paper form, the cover must be in the color prescribed by rule 8.40(b), ~~and, in~~ In addition to providing the cover information required by rule 8.40(c), the cover must state:

(A)–(D) * * *

(11) * * *

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2004, July 1, 2004, January 1, 2006, January 1, 2007, January 1, 2013, and January 1, 2014.)

(c)–(e) * * *

Rule 8.204 amended effective January 1, 2016; repealed and adopted as rule 14 effective January 1, 2002; previously amended and renumbered as rule 8.204 effective January 1, 2007; previously amended effective January 1, 2004, July 1, 2004, January 1, 2006, January 1, 2011, January 1, 2013, and January 1, 2014.

Advisory Committee Comment

Subdivision (b). The first sentence of subdivision (b)(1) confirms that any method of reproduction is acceptable provided it results in a clear black image of letter quality. The provision is derived from subdivision (a)(1) of rule 32 of the Federal Rules of Appellate Procedure (28 U.S.C.) (FRAP 32).

Paragraphs (2), (3), and (4) of subdivision (b) state requirements of font typeface, font type style, and font type size (see also subd. (b)(11)(C)). ~~The first two terms are defined in *The Chicago Manual of Style* (15th ed., 2003) p. 839. Note that computer programs often refer to typeface as “font.”~~

Subdivision (b)(2) allows the use of any conventional ~~typeface~~ font—e.g., Times New Roman, Courier, Arial, Helvetica, etc.—and permits the ~~typeface~~ font to be either proportionally spaced or monospaced.

1 Subdivision (b)(3) requires the ~~type~~ font style to be roman, but permits the use of italics,
2 boldface, or underscoring for emphasis; it also requires case names to be italicized or
3 underscored. These provisions are derived from FRAP 32(a)(6).

4
5 Subdivision (b)(5) allows headings to be single-spaced; it is derived from FRAP 32(a)(4). The
6 provision also permits quotations of any length to be block-indented and single-spaced at the
7 discretion of the brief writer.

8
9 See also rule 1.200 concerning the format of citations. Brief writers are encouraged to follow the
10 citation form of the *California Style Manual* (4th ed., 2000).

11
12 **Subdivision (c).** * * *

13
14 **Subdivision (d).** * * *

15
16 **Subdivision (e).** * * *

17
18 **Rule 8.208. Certificate of Interested Entities or Persons**

19
20 **(a)–(c)** * * *

21
22 **(d) Serving and filing a certificate**

23
24 (1)–(2) * * *

25
26 (3) If a party fails to file a certificate as required under (1), the clerk must notify
27 the party ~~by mail~~ in writing that the party must file the certificate within 15
28 days after the clerk’s notice is ~~mailed~~ sent and that if the party fails to
29 comply, the court may impose one of the following sanctions:

30
31 (A)–(B) * * *

32
33 (4) * * *

34
35 *(Subd (d) amended effective January 1, 2016; adopted as subd (c); previously amended*
36 *and relettered as subd (d) effective January 1, 2008; previously amended effective January*
37 *1, 2009.)*

38
39 **(e)–(f)** * * *

40
41 *Rule 8.208 amended effective January 1, 2016; adopted as rule 14.5 effective July 1, 2006;*
42 *previously amended and renumbered as rule 8.208 effective January 1, 2007; previously*
43 *amended effective January 1, 2008, and January 1, 2009.*

1
2
3 **Rule 8.212. Service and filing of briefs * * ***

4
5 **Advisory Committee Comment**

6
7 **Subdivision (a). * * ***

8
9 **Subdivision (b).** Extensions of briefing time are limited by statute in some cases. For example,
10 under Public Resources Code section 21167.6(h) in cases under section 21167, extensions are
11 limited to one 30-day extension for the opening brief and one 30-day extension for “preparation
12 of responding brief.”

13
14 Under rule 8.42, the original signature of only one party is required on the stipulation filed with
15 the court; the signatures of the other parties may be in the form of copies of the signed signature
16 page of the document. Signatures on electronically filed documents are subject to the
17 requirements of rule 8.77.

18
19 Subdivision (b)(2) clarifies that a party seeking an extension of time from the presiding justice
20 must proceed by application under rule 8.50 rather than by motion under rule 8.54.

21
22 **Subdivision (c). * * ***

23
24 **Rule 8.220. Failure to file a brief**

25
26 **(a) Notice to file**

27
28 If a party fails to timely file an appellant’s opening brief or a respondent’s brief, the
29 reviewing court clerk must promptly notify the party by mail in writing that the
30 brief must be filed within 15 days after the notice is ~~mailed~~ sent and that if the party
31 fails to comply, the court may impose one of the following sanctions:

32
33 (1)–(2) * * *

34
35 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
36 *2007, and January 1, 2008.)*

37
38 **(b)–(d) * * ***

39
40 *Rule 8.220 amended effective January 1, 2016; repealed and adopted as rule 17 effective January*
41 *1, 2002; previously amended and renumbered as rule 8.220 effective January 1, 2007; previously*
42 *amended effective January 1, 2008.*

43

1 **Rule 8.224. Transmitting exhibits**

2
3 (a) * * *

4
5 (b) **Transmittal**

6
7 Unless the reviewing court orders otherwise, within 20 days after the first notice
8 under (a) is filed:

9
10 (1) The superior court clerk must put any designated exhibits in the clerk's
11 possession into numerical or alphabetical order and send them to the
12 reviewing court ~~with two copies of a list of the exhibits sent.~~ The superior
13 court clerk must also send a list of the exhibits sent. If the exhibits are not
14 transmitted electronically, the superior court clerk must send two copies of
15 the list. If the reviewing court clerk finds the list correct, the clerk must sign
16 and return ~~one~~ a copy to the superior court clerk.

17
18 (2) Any party in possession of designated exhibits returned by the superior court
19 must put them into numerical or alphabetical order and send them to the
20 reviewing court ~~with two copies of a list of the exhibits sent.~~ The party must
21 also send a list of the exhibits sent. If the exhibits are not transmitted
22 electronically, the party must send two copies of the list. If the reviewing
23 court clerk finds the list correct, the clerk must sign and return ~~one~~ a copy to
24 the party.

25
26 *(Subd (b) amended effective January 1, 2016.)*

27
28 (c) * * *

29
30 (d) **Request and return by reviewing court**

31
32 At any time the reviewing court may direct the superior court or a party to send it
33 an exhibit. On request, the reviewing court may return an exhibit to the superior
34 court or to the party that sent it. When the remittitur issues, the reviewing court
35 must return all exhibits not transmitted electronically to the superior court or to the
36 party that sent them.

37
38 *(Subd (d) amended effective January 1, 2016.)*

39
40 *Rule 8.224 amended effective January 1, 2016; repealed and adopted as rule 18 effective January*
41 *1, 2002; previously amended and renumbered as rule 8.224 effective January 1, 2007; previously*
42 *amended effective January 1, 2008.*

1 **Rule 8.248. Prehearing conference**

2
3 **(a) Statement and conference**

4
5 After the notice of appeal is filed in a civil case, the presiding justice may:

6
7 (1) * * *

8
9 (2) Order all necessary persons to attend a conference to consider ~~a narrowing of~~
10 ~~the~~ case management issues, settlement, and other relevant matters.

11
12 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
13 *2007.)*

14
15 **(b) * * ***

16
17 **(c) Proceedings after conference**

18
19 (1) * * *

20
21 (2) If settlement is addressed at the conference, other than an inquiry solely about
22 the parties' interest in settlement, neither the presiding officer nor any court
23 personnel present at a the conference may participate in or influence the
24 determination of the appeal.

25
26 *(Subd (c) amended effective January 1, 2016.)*

27
28 **(d) Time to file brief**

29
30 The time to file a party's brief under rule 8.212(a) is tolled from the date the Court
31 of Appeal ~~mails~~ sends notice of the conference until the date it ~~mails~~ sends notice
32 that the conference is concluded.

33
34 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
35 *2007.)*

36
37 *Rule 8.248 amended effective January 1, 2016; repealed and adopted as rule 21 effective January*
38 *1, 2003; previously amended and renumbered as rule 8.248 effective January 1, 2007.*

39
40 **Advisory Committee Comment**

41
42 **Subdivision (a).** * * *

43

1 **Subdivision (d).** If a prehearing conference is ordered before the due date of the appellant’s
2 opening brief, the time to file the brief is not *extended* but *tolled*, in order to avoid unwarranted
3 lengthening of the briefing process. For example, if the conference is ordered 15 days after the
4 start of the normal 30-day briefing period, the rule simply *suspends* the running of that period;
5 when the period resumes, the party will not receive an automatic extension of a full 30 days but
6 rather the remaining 15 days of the original briefing period, unless the period is otherwise
7 extended.

8
9 Under subdivision (d) the tolling period continues “until the date [the Court of Appeal] ~~mails~~
10 sends notice that the conference is *concluded*” (italics added). This provision is intended to
11 accommodate the possibility that the conference may not conclude on the date it begins.

12
13 Whether or not the conference concludes on the date it begins, subdivision (d) requires the Court
14 of Appeal clerk to ~~mail~~ send the parties a notice that the conference is concluded. This provision
15 is intended to facilitate the calculation of the new briefing due dates.

16
17 **Rule 8.252. Judicial notice; findings and evidence on appeal**

18
19 **(a)–(b) * * ***

20
21 **(c) Evidence on appeal**

22
23 (1)–(2) * * *

24
25 (3) For documentary evidence, a party may offer the original, a certified copy, ~~or~~
26 a photocopy, or, in a case in which electronic filing is permitted, an electronic
27 copy. The court may admit the document in evidence without a hearing.

28
29 (*Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
30 *2007.*)

31
32 *Rule 8.252 amended effective January 1, 2016; repealed and adopted as rule 22 effective January*
33 *1, 2003; previously amended and renumbered as rule 8.252 effective January 1, 2007; previously*
34 *amended effective January 1, 2009, January 1, 2013, and January 1, 2015.*

35
36 **Rule 8.264. Filing, finality, and modification of decision**

37
38 **(a)–(c) * * ***

39
40 **(d) Consent to increase or decrease in amount of judgment**

41
42 If a Court of Appeal decision conditions the affirmance of a money judgment on a
43 party’s consent to an increase or decrease in the amount, the judgment is reversed

1 unless, before the decision is final under (b), the party serves and files ~~two copies a~~
2 copy of a consent in the Court of Appeal. If a consent is filed, the finality period
3 runs from the filing date of the consent. The clerk must send one filed-
4 ~~stamped~~endorsed copy of the consent to the superior court with the remittitur.

5
6 *(Subd (d) amended effective January 1, 2016.)*

7
8 *Rule 8.264 amended effective January 1, 2016; repealed and adopted as rule 24 effective January*
9 *1, 2003; previously amended and renumbered as rule 8.264 effective January 1, 2007; previously*
10 *amended effective January 1, 2009.*

11
12 **Rule 8.272. Remittitur**

13
14 **(a) * * ***

15
16 **(b) Clerk's duties**

17
18 (1) If a Court of Appeal decision is not reviewed by the Supreme Court:

19
20 (A) * * *

21
22 (B) The clerk must send the lower court or tribunal the Court of Appeal
23 remittitur and a filed-~~stamped~~endorsed copy of the opinion or order.

24
25 (2) After Supreme Court review of a Court of Appeal decision:

26
27 (A) * * *

28
29 (B) The clerk must send the lower court or tribunal the Court of Appeal
30 remittitur, a copy of the Supreme Court remittitur, and a filed-
31 ~~stamped~~endorsed copy of the Supreme Court opinion or order.

32
33 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
34 *2007.)*

35
36 **(c)–(d) * * ***

37
38 *Rule 8.272 amended effective January 1, 2016; repealed and adopted as rule 26 effective January*
39 *1, 2003; previously amended effective January 1, 2007, and January 1, 2008.*

40
41 **Rule 8.278. Costs on appeal**

42

1 (a)–(b) * * *

2
3 (c) **Procedure for claiming or opposing costs**

4
5 (1) Within 40 days after ~~the clerk sends notice of~~ issuance of the remittitur, a
6 party claiming costs awarded by a reviewing court must serve and file in the
7 superior court a verified memorandum of costs under rule 3.1700.

8
9 (2)–(3) * * *

10
11 *(Subd (c) amended effective January 1, 2016.)*

12
13 (d) * * *

14
15 *Rule 8.278 amended effective January 1, 2016; adopted effective January 1, 2008; previously*
16 *amended effective January 1, 2013.*

17
18 **Advisory Committee Comment**

19
20 This rule is not intended to expand the categories of appeals subject to the award of costs. See
21 rule 8.493 for provisions addressing costs in writ proceedings.

22
23 **Subdivision (c).** * * *

24
25 **Subdivision (d).** Subdivision (d)(1)(B) is intended to refer not only to a normal record prepared
26 by the clerk and the reporter under rules 8.122 and 8.130 but also, for example, to an appendix
27 prepared by a party under rule 8.124 and to a superior court file to which the parties stipulate
28 under rule 8.128.

29
30 Subdivision (d)(1)(D), allowing recovery of the “costs to notarize, serve, mail, and file the record,
31 briefs, and other papers,” is intended to include fees charged by electronic filing service providers
32 for electronic filing and service of documents.

33
34 “Net interest expenses” in subdivisions (d)(1)(F) and (G) means the interest expenses incurred to
35 borrow the funds that are deposited minus any interest earned by the borrower on those funds
36 while they are on deposit.

37
38 **Rule 8.300. Appointment of appellate counsel by the Court of Appeal**

39
40 (a)–(e) * * *

41
42 **Advisory Committee Comment**

43

1 **Subdivision (b).** The “designated oversight committee” referred to in subdivision (b)(2) is
2 currently the Appellate Indigent Defense Oversight Advisory Committee. The criteria approved
3 by this committee can be found on the judicial branch’s public website at ~~www.courtsinfo.ca.gov~~
4 www.courts.ca.gov/4206.htm.
5

6 **Rule 8.304. Filing the appeal; certificate of probable cause**

7
8 **(a)–(b) * * ***
9

10 **(c) Notification of the appeal**

11
12 (1) When a notice of appeal is filed, the superior court clerk must promptly ~~mail~~
13 send a notification of the filing to the attorney of record for each party, to any
14 unrepresented defendant, to the reviewing court clerk, to each court reporter,
15 and to any primary reporter or reporting supervisor. If the defendant also files
16 a statement under (b)(1), the clerk must not ~~mail~~ send the notification unless
17 the superior court files a certificate under (b)(2).
18

19 (2) The notification must show the date it was ~~mailed~~ sent, the number and title
20 of the case, and the dates the notice of appeal and any certificate under (b)(2)
21 were filed. If the information is available, the notification must also include:
22

23 (A) The name, address, telephone number, e-mail address, and California
24 State Bar number of each attorney of record in the case;

25
26 (B) * * *

27
28 (C) The name, address, ~~and~~ telephone number and e-mail address of any
29 unrepresented defendant.
30

31 **(3)–(4) * * ***
32

33 (5) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of
34 the clerk’s duty despite the discharge, disqualification, suspension,
35 disbarment, or death of the attorney.
36

37 (6) * * *
38

39 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
40 *2007.)*
41

1 *Rule 8.304 amended effective January 1, 2016; repealed and adopted as rule 30 effective January*
2 *1, 2004; previously amended and renumbered as rule 8.304 effective January 1, 2007; previously*
3 *amended effective July 1, 2007.*

4
5 **Rule 8.308. Time to appeal**

6
7 (a) * * *

8
9 (b) **Cross-appeal**

10
11 If the defendant or the People timely appeals from a judgment or appealable order,
12 the time for any other party to appeal from the same judgment or order is either the
13 time specified in (a) or 30 days after the superior court clerk ~~mails~~ sends
14 notification of the first appeal, whichever is later.

15
16 *(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2007;*
17 *previously amended effective January 1, 2008.)*

18
19 (c)–(d) * * *

20
21 *Rule 8.308 amended effective January 1, 2016; adopted as rule 30.1 effective January 1, 2004;*
22 *previously amended and renumbered as rule 8.308 effective January 1, 2007; previously*
23 *amended effective January 1, 2005, July 1, 2007, January 1, 2008, and July 1, 2010.*

24
25 **Rule 8.336. Preparing, certifying, and sending the record**

26
27 (a)–(c) * * *

28
29 (d) **Reporter’s transcript**

30
31 (1)–(3) * * *

32
33 (4) Any portion of the transcript transcribed during trial must not be retyped
34 unless necessary to correct errors, but must be repaginated and ~~bound~~
35 combined with any portion of the transcript not previously transcribed. Any
36 additional copies needed must not be retyped but, if the transcript is in paper
37 form, must be prepared by photocopying or an equivalent process.

38
39 (5) * * *

40
41 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
42 *2007, and January 1, 2014.)*

43

1 (e)–(h) * * *

2
3 *Rule 8.336 amended effective January 1, 2016; repealed and adopted as rule 32 effective January*
4 *1, 2004; previously amended and renumbered as rule 8.336 effective January 1, 2007; previously*
5 *amended effective January 1, 2010, and January 1, 2014.*

6
7 **Rule 8.344. Agreed statement**

8
9 If the parties present the appeal on an agreed statement, they must comply with the
10 relevant provisions of rule 8.134, but the appellant must file an original and, if the
11 statement is filed in paper form, three copies of the statement in superior court within 25
12 days after filing the notice of appeal.

13
14 *Rule 8.344 amended effective January 1, 2016; adopted as rule 32.2 effective January 1, 2004;*
15 *previously amended and renumbered as rule 8.344 effective January 1, 2007.*

16
17 **Rule 8.346. Settled statement**

18
19 (a)–(b) * * *

20
21 (c) **Serving and filing the settled statement**

22
23 The applicant must prepare, serve, and file in superior court an original and, if the
24 statement is filed in paper form, three copies of the settled statement.

25
26 *(Subd (c) amended effective January 1, 2016.)*

27
28 *Rule 8.346 amended effective January 1, 2016; adopted as rule 32.3 effective January 1, 2004;*
29 *previously amended and renumbered as rule 8.346 effective January 1, 2007.*

30
31 **Rule 8.360. Briefs by parties and amici curiae**

32
33 (a)–(b) * * *

34
35 (c) **Time to file**

36
37 (1)–(4) * * *

38
39 (5) If a party fails to timely file an appellant’s opening brief or a respondent’s
40 brief, the reviewing court clerk must promptly notify the party by mail in
41 writing that the brief must be filed within 30 days after the notice is ~~mailed~~
42 sent, and that failure to comply may result in one of the following sanctions:
43

1 (A)–(B) * * *

2
3 (6) * * *

4
5 (*Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
6 *2007.*)

7
8 (d)–(f) * * *

9
10 *Rule 8.360 amended effective January 1, 2016; repealed and adopted as rule 33 effective January*
11 *1, 2004; previously amended and renumbered as rule 8.360 effective January 1, 2007; previously*
12 *amended effective January 1, 2011, and January 1, 2013.*

13
14 **Rule 8.380. Petition for writ of habeas corpus filed by petitioner not represented by**
15 **an attorney**

16
17 (a)–(b) * * *

18
19 (c) **Number of copies**

20
21 In the Court of Appeal, the petitioner must file the original of the petition under (a)
22 and one set of any supporting documents. In the Supreme Court the petitioner must
23 file an original and, if the petition is filed in paper form, 10 copies of the petition
24 and an original and, if the document is filed in paper form, 2 copies of any
25 supporting document accompanying the petition unless the court orders otherwise.

26
27 (*Subd (c) amended effective January 1, 2016; adopted as part of subd (a) effective January*
28 *1, 2005; previously amended and lettered as subd (c) effective January 1, 2009.*)

29
30 *Rule 8.380 amended effective January 1, 2016; repealed and adopted as rule 60 effective January*
31 *1, 2005; previously amended and renumbered as rule 8.380 effective January 1, 2007; previously*
32 *amended effective January 1, 2006, January 1, 2009, and January 1, 2014.*

33
34 **Rule 8.384. Petition for writ of habeas corpus filed by an attorney for a party**

35
36 (a) **Form and content of petition and memorandum**

37
38 (1)–(2) * * *

39
40 (3) The petition and any memorandum must support any reference to a matter in
41 the supporting documents by a citation to its index ~~tab~~ number or letter and
42 page.
43

1 *(Subd (a) amended effective January 1, 2016; adopted as part of subd (b) effective January*
2 *1, 2006; previously amended and lettered as subd (a) effective January 1, 2009.)*

3
4 **(b)–(d) * * ***

5
6 *Rule 8.384 amended effective January 1, 2016; adopted as rule 60.5 effective January 1, 2006;*
7 *previously amended and renumbered as rule 8.384 effective January 1, 2007; previously*
8 *amended effective January 1, 2009, and January 1, 2014.*

9
10 **Rule 8.385. Proceedings after the petition is filed**

11
12 **(a) * * ***

13
14 **(b) Informal response**

15
16 (1) * * *

17
18 (2) The response must be served and filed within 15 days or as the court
19 specifies. If the petitioner is not represented by counsel in the habeas corpus
20 proceeding, one copy of the informal response and any supporting documents
21 must be served on the petitioner. If the petitioner is represented by counsel in
22 the habeas corpus proceeding, ~~two copies~~ the response must be served on the
23 petitioner’s counsel. If the response is served in paper form, two copies must
24 be served on the petitioner’s counsel. If the petitioner is represented by court-
25 appointed counsel other than the State Public Defender’s Office or Habeas
26 Corpus Resource Center, one copy must also be served on the applicable
27 appellate project.

28
29 (3) * * *

30
31 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
32 *2014.)*

33
34 **(c)–(f) * * ***

35
36 *Rule 8.385 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
37 *amended effective January 1, 2012, and January 1, 2014.*

38
39 **Rule 8.386. Proceedings if the return is ordered to be filed in the reviewing court**

40
41 **(a) * * ***

42

1 **(b) Serving and filing return**

2
3 (1)–(2) * * *

4
5 (3) ~~Two copies of the~~ The return and any supporting documents must be served
6 on the petitioner’s counsel, ~~and if~~. If the return is served in paper form, two
7 copies must be served on the petitioner’s counsel. If the petitioner is
8 represented for the habeas corpus proceeding by court-appointed counsel
9 other than the State Public Defender’s Office or Habeas Corpus Resource
10 Center, one copy must be served on the applicable appellate project.

11
12 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
13 *2014.)*

14
15 **(c) Form and content of return**

16
17 (1) * * *

18
19 (2) Rule 8.486(c)(1) and (2) govern the form of any supporting documents
20 accompanying the return. The return must support any reference to a matter
21 in the supporting documents by a citation to its index ~~tab~~ number or letter and
22 page.

23
24 (3) * * *

25
26 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
27 *2014.)*

28
29 **(d)–(g) * * ***

30
31 *Rule 8.386 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
32 *amended effective January 1, 2014.*

33
34 **Rule 8.405. Filing the appeal**

35
36 **(a) * * ***

37
38 **(b) Superior court clerk’s duties**

39
40 (1) When a notice of appeal is filed, the superior court clerk must immediately:

41
42 (A) ~~Mail~~ Send a notification of the filing to:

43

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(i)–(vi) * * *

(B) * * *

(2) The notification must show the name of the appellant, the date it was ~~mailed~~ sent, the number and title of the case, and the date the notice of appeal was filed. If the information is available, the notification must also include:

(A) The name, address, telephone number, e-mail address, and California State Bar number of each attorney of record in the case;

(B) * * *

(C) The name, address, ~~and~~ telephone number and e-mail address of any unrepresented party.

(3)–(4) * * *

(5) The ~~mailing~~ sending of a notification is a sufficient performance of the clerk’s duty despite the discharge, disqualification, suspension, disbarment, or death of the attorney.

(6) * * *

(Subd (b) amended effective January 1, 2016.)

Rule 8.405 amended effective January 1, 2016; adopted effective July 1, 2010.

Advisory Committee Comment

Subdivision (a). *Notice of Appeal—Juvenile (California Rules of Court, Rule 8.400)* (form JV-800) may be used to file the notice of appeal required under this rule. This form is available at any courthouse or county law library or online at ~~www.courtinfo.ca.gov/forms~~ www.courts.ca.gov/forms.

Rule 8.406. Time to appeal

(a) * * *

(b) **Cross-appeal**

If an appellant timely appeals from a judgment or appealable order, the time for any other party to appeal from the same judgment or order is either the time specified in

1 (a) or 20 days after the superior court clerk ~~mails~~ sends notification of the first
2 appeal, whichever is later.

3
4 *(Subd (b) amended effective January 1, 2016.)*

5
6 **(c)–(d) * * ***

7
8 *Rule 8.406 amended effective January 1, 2016; adopted effective July 1, 2010; previously*
9 *amended effective July 1, 2010.*

10
11 **Rule 8.411. Abandoning the appeal**

12
13 **(a)–(b) * * ***

14
15 **(c) Clerk’s duties**

16
17 (1) If the abandonment is filed in the superior court, the clerk must immediately
18 ~~mail~~ send a notification of the abandonment to:

19
20 (A)–(C) * * *

21
22 (2) If the abandonment is filed in the reviewing court and the reviewing court
23 orders the appeal dismissed, the clerk must immediately ~~mail~~ send a
24 notification of the order of dismissal to every party.

25
26 *(Subd (c) amended effective January 1, 2016.)*

27
28 *Rule 8.411 amended effective January 1, 2016; adopted effective July 1, 2010.*

29
30 **Rule 8.412. Briefs by parties and amici curiae**

31
32 **(a)–(c) * * ***

33
34 **(d) Failure to file a brief**

35
36 (1) Except in appeals governed by rule 8.416, if a party fails to timely file an
37 appellant’s opening brief or a respondent’s brief, the reviewing court clerk
38 must promptly notify the party’s counsel or the party, if not represented, ~~by~~
39 ~~mail~~ in writing that the brief must be filed within 30 days after the notice is
40 ~~mailed~~ sent and that failure to comply may result in one of the following
41 sanctions:

42
43 (A)–(B) * * *

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(2)–(3) * * *

(Subd (d) amended effective January 1, 2016; adopted effective January 1, 2007; previously amended effective July 1, 2010.)

(e) * * *

Rule 8.412 amended effective January 1, 2016; adopted as rule 37.3 effective January 1, 2005; previously amended and renumbered as rule 8.412 effective January 1, 2007; previously amended effective July 1, 2007, and July 1, 2010.

Rule 8.474. Procedures and data

(a) * * *

(b) **Data**

The clerks of the superior courts and the reviewing courts must ~~the~~ provide the data required to assist the Judicial Council in evaluating the effectiveness of the rules governing appeals and writs in juvenile cases.

(Subd (b) amended effective January 1, 2016.)

Rule 8.474 amended effective January 1, 2016; adopted as rule 38.6 effective January 1, 2005; previously renumbered as rule 8.474 effective January 1, 2007.

Rule 8.482. Appeal from judgment authorizing conservator to consent to sterilization of conservatee

(a)–(b) * * *

(c) **Superior court clerk’s duties**

After entering the judgment, the clerk must immediately:

(1) * * *

(2) ~~Mail~~ Send certified copies of the judgment to the Court of Appeal and the Attorney General.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

1
2 **(d)–(f) * * ***

3
4 **(g) Confidential material**

5
6 (1) * * *

7
8 (2) Material under (1) must be sent to the reviewing court in a secure manner that
9 preserves its confidentiality. If the material is in paper format, it must be sent
10 to the reviewing court in a sealed envelope marked “CONFIDENTIAL—
11 MAY NOT BE EXAMINED WITHOUT A COURT ORDER.”

12
13 *(Subd (g) amended effective January 1, 2016.)*

14
15 **(h)–(i) * * ***

16
17 *Rule 8.482 amended effective January 1, 2016; repealed and adopted as rule 39.1 effective*
18 *January 1, 2005; previously amended and renumbered as rule 8.482 effective January 1, 2007.*

19
20 **Rule 8.486. Petitions**

21
22 **(a)–(b) * * ***

23
24 **(c) Form of supporting documents**

25
26 (1) Documents submitted under (b) must comply with the following
27 requirements:

28
29 (A) If submitted in paper form, they must be bound together at the end of
30 the petition or in separate volumes not exceeding 300 pages each. The
31 pages must be consecutively numbered.

32
33 (B) If submitted in paper form, they must be index-tabbed by number or
34 letter.

35
36 (C) They must begin with a table of contents listing each document by its
37 title and its index-~~tab~~ number or letter. If a document has attachments,
38 the table of contents must give the title of each attachment and a brief
39 description of its contents.

40
41 (2)–(3) * * *

42
43

1 (Subd (c) amended effective January 1, 2016; adopted as subd (d); previously amended
2 effective January 1, 2006, and January 1, 2007; previously amended and relettered as
3 subd (c) effective January 1, 2009.)
4

5 (d)–(e) * * *

6
7 Rule 8.486 amended effective January 1, 2016; repealed and adopted as rule 56 effective January
8 1, 2005; previously amended and renumbered as rule 8.490 effective January 1, 2007, and as
9 rule 8.486 effective January 1, 2009; previously amended effective July 1, 2005, January 1, 2006,
10 July 1, 2006, January 1, 2008, July 1, 2009, January 1, 2011, and January 1, 2014.
11

12 **Rule 8.488. Certificate of Interested Entities or Persons**

13
14 (a)–(c) * * *

15
16 (d) **Failure to file a certificate**

17
18 (1) If a party fails to file a certificate as required under (b) and (c), the clerk must
19 notify the party by mail in writing that the party must file the certificate
20 within 10 days after the clerk’s notice is mailed sent and that if the party fails
21 to comply, the court may impose one of the following sanctions:
22

23 (A)–(B) * * *

24
25 (2) * * *

26
27 (Subd (d) amended effective January 1, 2016.)
28

29 Rule 8.488 amended effective January 1, 2016; adopted effective January 1, 2009.
30

31 **Rule 8.495. Review of Workers’ Compensation Appeals Board cases**

32
33 (a) **Petition**

34
35 (1)–(2) * * *

36
37 (3) The petition must be accompanied by proof of service of ~~two copies~~ a copy
38 of the petition on the Secretary of the Workers’ Compensation Appeals Board
39 in San Francisco, or two copies if the petition is served in paper form, and
40 one copy on each party who appeared in the action and whose interest is
41 adverse to the petitioner. Service on the board’s local district office is not
42 required.
43

1 (Subd (a) amended effective January 1, 2016; previously amended effective January 1,
2 2007.)

3
4 (b) * * *

5
6 (c) **Certificate of Interested Entities or Persons**

7
8 (1)–(2) * * *

9
10 (3) If a party fails to file a certificate as required under (1) and (2), the clerk must
11 notify the party by mail in writing that the party must file the certificate
12 within 10 days after the clerk’s notice is mailed sent and that failure to
13 comply will result in one of the following sanctions:

14
15 (A)–(B) * * *

16
17 (4) * * *

18
19 (Subd (c) amended effective January 1, 2016; adopted effective July 1, 2006; previously
20 amended effective January 1, 2007.)

21
22 *Rule 8.495 amended effective January 1, 2016; repealed and adopted as rule 57 effective January*
23 *1, 2005; previously amended effective July 1, 2006; previously amended and renumbered as rule*
24 *8.494 effective January 1, 2007; previously renumbered as rule 8.495 effective January 1, 2009.*

25
26 **Rule 8.496. Review of Public Utilities Commission cases**

27
28 (a)–(b) * * *

29
30 (c) **Certificate of Interested Entities or Persons**

31
32 (1)–(2) * * *

33
34 (3) If a party fails to file a certificate as required under (1) and (2), the clerk must
35 notify the party by mail in writing that the party must file the certificate
36 within 10 days after the clerk’s notice is mailed sent and that failure to
37 comply will result in one of the following sanctions:

38
39 (A)–(B) * * *

40
41 (4) * * *

42

1 *(Subd (c) amended effective January 1, 2016; adopted effective July 1, 2006; previously*
2 *amended effective January 1, 2007.)*

3
4 *Rule 8.496 amended effective January 1, 2016; repealed and adopted as rule 58 effective January*
5 *1, 2005; previously amended effective July 1, 2006; previously amended and renumbered as rule*
6 *8.496 effective January 1, 2007.*

7
8 **Rule 8.498. Review of Agricultural Labor Relations Board and Public Employment**
9 **Relations Board cases**

10
11 **(a)–(c) * * ***

12
13 **(d) Certificate of Interested Entities or Persons**

14
15 (1)–(2) * * *

16
17 (3) If a party fails to file a certificate as required under (1) and (2), the clerk must
18 notify the party ~~by mail~~ in writing that the party must file the certificate
19 within 10 days after the clerk’s notice is ~~mailed~~ sent and that failure to
20 comply will result in one of the following sanctions:

21
22 (A)–(B) * * *

23
24 (4) * * *

25
26 *(Subd (d) amended effective January 1, 2016; adopted effective July 1, 2006; previously*
27 *amended effective January 1, 2007.)*

28
29 *Rule 8.498 amended effective January 1, 2016; repealed and adopted as rule 59 effective January*
30 *1, 2005; previously amended effective July 1, 2006; previously amended and renumbered as rule*
31 *8.498 effective January 1, 2007.*

32
33 **Rule 8.504. Form and contents of petition, answer, and reply**

34
35 **(a) * * ***

36
37 **(b) Contents of a petition**

38
39 (1)–(3) * * *

40
41 (4) If the petition seeks review of a Court of Appeal opinion, a copy of the
42 opinion showing its filing date and a copy of any order modifying the opinion
43 or directing its publication must be bound at the back of the original petition

1 and each copy filed in the Supreme Court or, if the petition is not filed in
2 paper form, attached.

- 3
4 (5) If the petition seeks review of a Court of Appeal order, a copy of the order
5 showing the date it was entered must be bound at the back of the original
6 petition and each copy filed in the Supreme Court or, if the petition is not
7 filed in paper form, attached.

8
9 (6)–(7) * * *

10
11 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
12 *2004, January 1, 2007, and January 1, 2009.)*

13
14 (c)–(e) * * *

15
16 *Rule 8.504 amended effective January 1, 2016; adopted as rule 28.1 effective January 1, 2003;*
17 *previously amended and renumbered as rule 8.504 effective January 1, 2007; previously*
18 *amended effective January 1, 2004, January 1, 2009, and January 1, 2011.*

19
20 **Rule 8.512. Ordering review**

21
22 (a) **Transmittal of record**

23
24 On receiving a copy of a petition for review or on request of the Supreme Court,
25 whichever is earlier, the Court of Appeal clerk must promptly send the record to the
26 Supreme Court. If the petition is denied, the Supreme Court clerk must promptly
27 return the record to the Court of Appeal if the record was transmitted in paper form.

28
29 *(Subd (a) amended effective January 1, 2016.)*

30
31 (b)–(d) * * *

32
33 *Rule 8.512 amended effective January 1, 2016; adopted as rule 28.2 effective January 1, 2003;*
34 *previously amended effective January 1, 2004; previously renumbered as rule 8.512 effective*
35 *January 1, 2007.*

36
37 **Rule 8.540. Remittitur**

38
39 (a) * * *

40
41 (b) **Clerk's duties**

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43 (1) * * *

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(2) After review of a Court of Appeal decision, the Supreme Court clerk must address the remittitur to the Court of Appeal and send that court ~~two copies~~ a copy of the remittitur and ~~two a filed-stampedendorsed copies~~ copy of the Supreme Court opinion or order. The clerk must send two copies of any document sent in paper form.

(3) After a decision in an appeal from a judgment of death or in a cause transferred to the court under rule 8.552, the clerk must send the remittitur and a ~~filed-stampedendorsed~~ filed-stampedendorsed copy of the Supreme Court opinion or order to the lower court or tribunal.

(4) * * *

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(c) * * *

Rule 8.540 amended effective January 1, 2016; repealed and adopted as rule 29.6 effective January 1, 2003; previously amended and renumbered as rule 8.540 effective January 1, 2007.

Rule 8.548. Decision on request of a court of another jurisdiction

(a)–(c) * * *

(d) Serving and filing the request

The requesting court clerk must file an original, and if the request is filed in paper form, 10 copies, of the request in the Supreme Court with a certificate of service on the parties.

(Subd (d) amended effective January 1, 2016.)

(e) * * *

(f) Proceedings in the Supreme Court

(1)–(5) * * *

(6) After filing the opinion, the clerk must promptly send ~~filed-stampedendorsed~~ filed-stampedendorsed copies to the requesting court and the parties and must notify that court and the parties when the decision is final.

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(7) * * *

(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2007.)

Rule 8.548 amended effective January 1, 2016; adopted as rule 29.8 effective January 1, 2003; previously amended and renumbered as rule 8.548 effective January 1, 2007.

Rule 8.610. Contents and form of the record

(a)–(b) * * *

(c) Juror-identifying information

Any document in the record containing juror-identifying information must be edited in compliance with rule 8.332. Unedited copies of all such documents and a copy of the table required by the rule, under seal and bound together if filed in paper form, must be included in the record sent to the Supreme Court.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2007.)

(d) * * *

Rule 8.610 amended effective January 1, 2016; adopted as rule 34.1 effective January 1, 2004; previously amended and renumbered as rule 8.610 effective January 1, 2007; previously amended effective January 1, 2005, and January 1, 2014.

Rule 8.616. Preparing the trial record

(a) * * *

(b) Reporter’s duties

(1) * * *

(2) Any portion of the transcript transcribed during trial must not be retyped unless necessary to correct errors, but must be repaginated and ~~bound~~ combined with any portion of the transcript not previously transcribed. Any additional copies needed must not be retyped but, if the transcript is in paper form, must be prepared by photocopying or an equivalent process.

1 (3) * * *

2

3 *(Subd (b) amended effective January 1, 2016.)*

4

5 (c)–(d) * * *

6

7 *Rule 8.616 amended effective January 1, 2016; repealed and adopted as rule 35 effective January*
8 *1, 2004; previously renumbered as rule 8.606 effective January 1, 2007.*

9

10 **Rule 8.630. Briefs by parties and amicus curiae**

11

12 (a)–(f) * * *

13

14 (g) **Service**

15

16 (1) * * *

17

18 (2) The Attorney General must serve two paper copies or one electronic copy of
19 the respondent’s brief on each defendant’s appellate counsel and, for each
20 defendant sentenced to death, one copy on the California Appellate Project in
21 San Francisco.

22

23 (3) * * *

24

25 *(Subd (g) amended effective January 1, 2016.)*

26

27 (h) * * *

28

29 *Rule 8.630 amended effective January 1, 2016; repealed and adopted as rule 36 effective January*
30 *1, 2004; previously amended and renumbered as rule 8.630 effective January 1, 2007; previously*
31 *amended effective January 1, 2008, and January 1, 2011.*

32

33 **Rule 8.702. Appeals**

34

35 (a) * * *

36

37 (b) **Notice of appeal**

38

39 (1) *Time to appeal*

40

41 The notice of appeal must be served and filed on or before the earlier of:

42

1 (A) Five court days after the superior court clerk serves on the party filing
2 the notice of appeal a document entitled “Notice of Entry” of judgment
3 or a filed-~~stamped~~endorsed copy of the judgment, showing the date
4 either was served; or
5

6 (B) Five court days after the party filing the notice of appeal serves or is
7 served by a party with a document entitled “Notice of Entry” of
8 judgment or a filed-~~stamped~~endorsed copy of the judgment,
9 accompanied by proof of service.

10
11 (2) * * *

12
13 *(Subd (b) amended effective January 1, 2016.)*

14
15 **(c)–(g) * * ***

16
17 *Rule 8.702 amended effective January 1 2016; adopted effective July 1, 2014.*

18
19 **Rule 8.703. Writ proceedings**

20
21 **(a) * * ***

22
23 **(b) Petition**

24
25 (1) *Time for filing petition*

26
27 A petition for a writ challenging a superior court judgment or order governed
28 by the rules in this chapter must be served and filed on or before the earliest
29 of:

30
31 (A) Thirty days after the superior court clerk serves on the party filing the
32 petition a document entitled “Notice of Entry” of judgment or order, or
33 a filed-~~stamped~~endorsed copy of the judgment or order, showing the
34 date either was served; or
35

36 (B) Thirty days after the party filing the petition serves or is served by a
37 party with a document entitled “Notice of Entry” of judgment or order,
38 or a filed-~~stamped~~endorsed copy of the judgment or order,
39 accompanied by proof of service.

40
41 (2) * * *

42
43 *(Subd (b) amended effective January 1, 2016.)*

1
2 *Rule 8.703 amended effective January 1 2016; adopted effective July 1, 2014.*

3
4 **Rule 8.800. Application of division and scope of rules**

5
6 **(a) Application**

7
8 The rules in this division apply to:

9
10 (1)–(2) * * *

11
12 *(Subd (a) amended and lettered effective January 1, 2016; adopted as unlettered*
13 *subdivision.)*

14
15 **(b) Scope of rules**

16
17 The rules in this division apply to documents filed and served electronically as well
18 as in paper form, unless otherwise provided.

19
20 *(Subd (b) adopted effective January 1, 2016.)*

21
22 *Rule 8.800 amended effective January 1, 2016; adopted effective January 1, 2009.*

23
24 **Rule ~~8.804~~ 8.803. Definitions**

25
26 As used in this division, unless the context or subject matter otherwise requires:

27
28 (1)–(22) * * *

29
30 (23) “Attach” or “attachment” may refer to either physical attachment or electronic
31 attachment, as appropriate.

32
33 (24) “Copy” or “copies” may refer to electronic copies, as appropriate.

34
35 (25) “Cover” includes the cover page of a document filed electronically.

36
37 (26) “Written” and “writing” include electronically created written materials, whether or
38 not those materials are printed on paper.

39
40 *Rule 8.803 amended and renumbered effective January 1, 2016; adopted as rule 8.804 effective*
41 *January 1, 2009; previously amended effective January 1, 2014.*

42

1 **Rule 8.804. Requirements for signatures on documents**

2
3 Except as otherwise provided, or required by order of the court, signatures on
4 electronically filed documents must comply with the requirements of rule 8.77.

5
6 *Rule 8.804 adopted effective January 1, 2016.*

7
8 **Rule 8.806. Applications**

9
10 **(a)–(b) * * ***

11
12 **(c) Envelopes**

13
14 If any party or parties in the case are served in paper form, an application must be
15 accompanied by addressed, postage-prepaid envelopes for the clerk’s use in
16 mailing copies of the order on the application to ~~all~~ those parties.

17
18 *(Subd (c) amended effective January 1, 2016.)*

19
20 **(d) * * ***

21
22 *Rule 8.806 amended effective January 1, 2016; adopted effective January 1, 2009.*

23
24 **Rule 8.814. Substituting parties; substituting or withdrawing attorneys**

25
26 **(a)–(b) * * ***

27
28 **(c) Withdrawing attorney**

29
30 **(1) * * ***

31
32 **(2)** The proof of service need not include the address of the party represented.
33 But if the court grants the motion, the withdrawing attorney must promptly
34 provide the court and the opposing party with the party’s current or last
35 known address, e-mail address, and telephone number.

36
37 **(3) * * ***

38
39 *(Subd (c) amended effective January 1, 2016.)*

40
41 *Rule 8.814 amended effective January 1, 2016; adopted effective January 1, 2009.*

42

1 **Rule 8.821. Notice of appeal**

2
3 (a)–(c) * * *

4
5 **(d) Notification of the appeal**

6
7 (1) When the notice of appeal is filed, the trial court clerk must promptly ~~mail~~
8 send a notification of the filing of the notice of appeal to the attorney of
9 record for each party and to any unrepresented party. The clerk must also
10 ~~mail~~ send or deliver this notification to the appellate division clerk.

11
12 (2) The notification must show the date it was ~~mailed~~ sent and must state the
13 number and title of the case and the date the notice of appeal was filed.

14
15 (3) * * *

16
17 (4) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of
18 the clerk’s duty despite the death of the party or the discharge,
19 disqualification, suspension, disbarment, or death of the attorney.

20
21 (5) * * *

22
23 *(Subd (d) amended effective January 1, 2016.)*

24
25 (e) * * *

26
27 *Rule 8.821 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
28 *amended effective July 1, 2009, and January 1, 2013.*

29
30 **Rule 8.822. Time to appeal**

31
32 **(a) Normal time**

33
34 (1) Unless a statute or rule 8.823 provides otherwise, a notice of appeal must be
35 filed on or before the earliest of:

36
37 (A) 30 days after the trial court clerk serves the party filing the notice of
38 appeal a document entitled “Notice of Entry” of judgment or a ~~filed-~~
39 ~~stamped~~ endorsed copy of the judgment, showing the date it was served;

40
41 (B) 30 days after the party filing the notice of appeal serves or is served by
42 a party with a document entitled “Notice of Entry” of judgment or a

1 filed-~~stamped~~endorsed copy of the judgment, accompanied by proof of
2 service; or

3
4 (C) * * *

5
6 (2) * * *

7
8 (3) If the parties stipulated in the trial court under Code of Civil Procedure
9 section 1019.5 to waive notice of the court order being appealed, the time to
10 appeal under (1)(C) applies unless the court or a party serves notice of entry
11 of judgment or a filed-~~stamped~~endorsed copy of the judgment to start the
12 time period under (1)(A) or (B).

13
14 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
15 *2011, July 1, 2012, and March 1, 2014.)*

16
17 **(b)–(d)** * * *

18
19 *Rule 8.822 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
20 *amended effective January 1, 2011, July 1, 2012, March 1, 2014.*

21
22 **Rule 8.823. Extending the time to appeal**

23
24 **(a)–(e)** * * *

25
26 **(f) Public entity actions under Government Code section 962, 984, or 985**

27
28 If a public entity defendant serves and files a valid request for a mandatory
29 settlement conference on methods of satisfying a judgment under Government
30 Code section 962, an election to pay a judgment in periodic payments under
31 Government Code section 984 and rule 3.1804, or a motion for a posttrial hearing
32 on reducing a judgment under Government Code section 985, the time to appeal
33 from the judgment is extended for all parties until the earliest of:

34
35 (1) 60 days after the superior court clerk serves the party filing the notice of
36 appeal with a document entitled “Notice of Entry” of judgment or a filed-
37 ~~stamped~~endorsed copy of the judgment, showing the date either was served;

38
39 (2) 60 days after the party filing the notice of appeal serves or is served by a
40 party with a document entitled “Notice of Entry” of judgment or a filed-
41 ~~stamped~~endorsed copy of the judgment, accompanied by proof of service; or

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43 (3) * * *

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(Subd (f) amended effective January 1, 2016; adopted effective January 1, 2011.)

(g)–(h) * * *

Rule 8.823 amended effective January 1, 2016; adopted effective January 1, 2009; previously amended effective January 1, 2011, July 1, 2012, and March 1, 2014.

Rule 8.824. Writ of supersedeas

(a) Petition

(1)–(3) * * *

(4) If the record has not been filed in the reviewing court:

(A)–(B) * * *

(C) The documents listed in (B) must comply with the following requirements:

- (i) If filed in paper form, they must be bound together at the end of the petition or in separate volumes not exceeding 300 pages each. The pages must be consecutively numbered;
- (ii) If filed in paper form, they must be index-tabbed by number or letter; and
- (iii) They must begin with a table of contents listing each document by its title and its index-~~tab~~ number or letter.

(5) * * *

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2010.)

(b)–(d) * * *

Rule 8.824 amended effective January 1, 2016; adopted effective January 1, 2009; previously amended effective January 1, 2010.

Rule 8.825. Abandonment, voluntary dismissal, and compromise

1 (a)–(c) * * *

2
3 **Advisory Committee Comment**
4

5 *Abandonment of Appeal (Limited Civil Case)* (form APP-1067) may be used to file an
6 abandonment under this rule. This form is available at any courthouse or county law library or
7 online at www.courtsinfo.ca.gov/forms.
8

9 **Rule 8.831. Notice designating the record on appeal**
10

11 (a)–(b) * * *

12
13 **Advisory Committee Comment**
14

15 *Appellant’s Notice Designating Record on Appeal (Limited Civil Case)* (form APP-103) may be
16 used to file the designation required under this rule. This form is available at any courthouse or
17 county law library or online at www.courtsinfo.ca.gov/forms. To assist parties in making
18 appropriate choices, courts are encouraged to include information about whether the proceedings
19 were recorded by a court reporter or officially electronically recorded in any information that the
20 court provides to parties concerning their appellate rights.
21

22 If the appellant designates a clerk’s transcript or reporter’s transcript under this rule, the
23 respondent will have an opportunity to designate additional documents to be included in the
24 clerk’s transcript under rule 8.832(b)(~~1~~)(2) or additional proceedings to be included in the
25 reporter’s transcript under rule 8.834(a)(3).
26

27 **Rule 8.833. Trial court file instead of clerk’s transcript**
28

29 (a) * * *

30
31 (b) **Cost estimate; preparation of file; transmittal**
32

33 (1) Within 10 days after the appellant serves a notice under rule 8.831 indicating
34 that the appellant elects to use a clerk’s transcript, the trial court clerk may
35 ~~mail~~ send the appellant a notice indicating that the appellate division for that
36 court has elected by local court rule to use the original trial court file instead
37 of a clerk’s transcript and providing the appellant with an estimate of the cost
38 to prepare the file, including the cost of sending the index under (4).
39

40 (2) Within 10 days after the clerk ~~mails~~ sends the estimate under (1), the
41 appellant must deposit the estimated cost with the clerk, unless otherwise
42 provided by law or the party submits an application for a waiver of the cost
43 under rule 8.818 or an order granting a waiver of this cost.

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(3)–(5) * * *

(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2009.)

Rule 8.833 amended effective January 1, 2016; adopted effective January 1, 2009; previously amended effective July 1, 2009.

Rule 8.834. Reporter’s transcript

(a) Notice

(1)–(3) * * *

(4) Except when a party deposits a certified transcript of all the designated proceedings under (b)(2)(D) with the notice of designation, the clerk must promptly ~~mail~~ send a copy of each notice to the reporter. The copy must show the date it was ~~mailed~~ sent.

(Subd (a) amended effective January 1, 2016; previously amended effective January 1, 2014.)

(b) Deposit or substitute for cost of transcript

(1) Within 10 days after the clerk ~~mails~~ sends a notice under (a)(4), the reporter must file the estimate with the clerk—or notify the clerk in writing of the date that he or she notified the appellant directly—of the estimated cost of preparing the reporter’s transcript at the statutory rate.

(2) * * *

(3) With its notice of designation, a party may serve and file a copy of its application to the Court Reporters Board for payment or reimbursement from the Transcript Reimbursement Fund under Business and Professions Code section 8030.2 et seq.

(A)–(C) * * *

(D) If the Court Reporters Board provisionally approves the application, the reporter’s time to prepare the transcript under (d)(1) begins when the clerk ~~mails~~ sends notice of the provisional approval under (4).

(4) * * *

1
2 (Subd (b) amended effective January 1, 2016; previously amended effective January 1,
3 2014.)

4
5 (c)–(e) * * *

6
7 **(f) Notice when proceedings cannot be transcribed**

8
9 (1) If any portion of the designated proceedings were not reported or cannot be
10 transcribed, the trial court clerk must so notify the designating party ~~by mail~~
11 in writing; the notice must:

12
13 (A) * * *

14
15 (B) Show the date it was ~~mailed~~ sent.

16
17 (2) Within 10 days after the notice under (1) is ~~mailed~~ sent, the designating party
18 must file a new election notifying the court whether the party elects to
19 proceed with or without a record of the identified oral proceedings. If the
20 party elects to proceed with a record of these oral proceedings, the notice
21 must specify which form of the record listed in rule 8.830(a)(2) the party
22 elects to use.

23
24 (A)–(C) * * *

25
26 (3) * * *

27
28 (Subd (f) amended effective January 1, 2016; adopted as subd (e); previously relettered as
29 subd (f) effective January 1, 2014; previously amended effective March 1, 2014.)

30
31 *Rule 8.834 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
32 *amended effective March 1, 2014.*

33
34 **Rule 8.835. Record when trial proceedings were officially electronically recorded**

35
36 (a)–(c) * * *

37
38 **(d) Notice when proceedings were not officially electronically recorded or cannot**
39 **be transcribed**

40
41 (1) If the appellant elects under rule 8.831 to use a transcript prepared from an
42 official electronic recording or the recording itself, the trial court clerk must
43 notify the appellant ~~by mail~~ in writing if any portion of the designated

1 proceedings was not officially electronically recorded or cannot be
2 transcribed. The notice must:

3
4 (A) * * *

5
6 (B) Show the date it was ~~mailed~~ sent.

7
8 (2) Within 10 days after the notice under (1) is ~~mailed~~ sent, the appellant must
9 file a new election notifying the court whether the appellant elects to proceed
10 with or without a record of the oral proceedings that were not recorded or
11 cannot be transcribed. If the appellant elects to proceed with a record of these
12 oral proceedings, the notice must specify which form of the record listed in
13 rule 8.830(a)(2) the appellant elects to use.

14
15 (A)–(C) * * *

16
17 *(Subd (d) amended effective January 1, 2016; previously amended effective March 1,*
18 *2014.)*

19
20 *Rule 8.835 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
21 *amended effective July 1, 2010, and March 1, 2014.*

22
23 **Rule 8.838. Form of the record**

24
25 (a) * * *

26
27 (b) **Indexes**

28
29 At the beginning of the first volume of each:

30
31 (1) The clerk's transcript must contain alphabetical and chronological indexes
32 listing each document and the volume, where applicable, and page where it
33 first appears;

34
35 (2) The reporter's transcript must contain alphabetical and chronological indexes
36 listing the volume, where applicable, and page where each witness's direct,
37 cross, and any other examination, begins; and

38
39 (3) The reporter's transcript must contain an index listing the volume, where
40 applicable, and page where any exhibit is marked for identification and where
41 it is admitted or refused.

42
43 *(Subd (b) amended effective January 1, 2016.)*

1
2 **(c) Binding and cover**

3
4 (1) If filed in paper form, clerk's and reporter's transcripts must be bound on the
5 left margin in volumes of no more than 300 sheets, except that transcripts
6 may be bound at the top if required by a local rule of the appellate division.

7
8 (2)–(3) * * *

9
10 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
11 *2014.)*

12
13 *Rule 8.838 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
14 *amended effective January 1, 2014.*

15
16 **Rule 8.840. Completion and filing of the record**

17
18 **(a) * * * ***

19
20 **(b) Filing the record**

21
22 When the record is complete, the trial court clerk must promptly send the original
23 to the appellate division and send to the appellant and respondent copies of any
24 certified statement on appeal and any copies of transcripts or official electronic
25 recordings that they have purchased. The appellate division clerk must promptly
26 file the original and ~~mail~~ send notice of the filing date to the parties.

27
28 *(Subd (b) amended effective January 1, 2016; adopted as unlettered subd; previously*
29 *amended and lettered as subd (b) effective January 1, 2014.)*

30
31 *Rule 8.840 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
32 *amended effective January 1, 2014.*

33
34 **Rule 8.842. Failure to procure the record**

35
36 **(a) Notice of default**

37
38 Except as otherwise provided by these rules, if a party fails to do any act required
39 to procure the record, the trial court clerk must promptly notify that party ~~by mail~~
40 in writing that it must do the act specified in the notice within 15 days after the
41 notice is ~~mailed~~ sent and that, if it fails to comply, the reviewing court may impose
42 the following sanctions:
43

1 (1)–(2) * * *

2

3 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
4 *2014.)*

5

6 **(b)** * * *

7

8 *Rule 8.842 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
9 *amended effective January 1, 2011, and January 1, 2014.*

10

11 **Rule 8.843. Transmitting exhibits**

12

13 **(a)–(c)** * * *

14

15 **(d) Transmittal**

16

17 Unless the appellate division orders otherwise, within 20 days after notice under (a)
18 is filed or after the appellate division directs that an exhibit be sent:

19

20 (1) The trial court clerk must put any designated exhibits in the clerk’s
21 possession into numerical or alphabetical order and send them to the
22 appellate division ~~with two copies of a list of the exhibits sent. The trial court~~
23 clerk must also send a list of the exhibits sent. If the exhibits are not
24 transmitted electronically, the trial court clerk must send two copies of the
25 list. If the appellate division clerk finds the list correct, the clerk must sign
26 and return ~~one~~ a copy to the trial court clerk.

27

28 (2) Any party in possession of designated exhibits returned by the trial court
29 must put them into numerical or alphabetical order and send them to the
30 appellate division ~~with two copies of a list of the exhibits sent. The party~~
31 must also send a list of the exhibits sent. If the exhibits are not transmitted
32 electronically, the party must send two copies of the list. If the appellate
33 division clerk finds the list correct, the clerk must sign and return ~~one~~ a copy
34 to the party.

35

36 *(Subd (d) amended effective January 1, 2016.)*

37

38 **(e) Return by appellate division**

39

40 On request, the appellate division may return an exhibit to the trial court or to the
41 party that sent it. When the remittitur issues, the appellate division must return all
42 exhibits not transmitted electronically to the trial court or to the party that sent
43 them.

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(Subd (e) amended effective January 1, 2016.)

Rule 8.843 amended effective January 1, 2016; adopted effective January 1, 2009.

Rule 8.851. Appointment of appellate counsel

(a)–(c) * * *

Advisory Committee Comment

Request for Court-Appointed Lawyer in Misdemeanor Appeal (form CR-133) may be used to request that appellate counsel be appointed in a misdemeanor case. If the appellant was not represented by the public defender or other appointed counsel in the trial court, the appellant must use *Defendant’s Financial Statement on Eligibility for Appointment of Counsel and Reimbursement and Record on Appeal at Public Expense* (form MC-210) to show indigency. These forms are available at any courthouse or county law library or online at www.courtsinfo.ca.gov/forms.

Rule 8.852. Notice of appeal

(a) * * *

(b) Notification of the appeal

- (1) When a notice of appeal is filed, the trial court clerk must promptly ~~mail~~ send a notification of the filing to the attorney of record for each party and to any unrepresented defendant. The clerk must also ~~mail~~ send or deliver this notification to the appellate division clerk.
- (2) The notification must show the date it was ~~mailed~~ sent or delivered, the number and title of the case, the date the notice of appeal was filed, and whether the defendant was represented by appointed counsel.
- (3)–(4) * * *
- (5) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of the clerk’s duty despite the discharge, disqualification, suspension, disbarment, or death of the attorney.
- (6) * * *

(Subd (b) amended effective January 1, 2016.)

1
2 *Rule 8.852 amended effective January 1, 2016; adopted effective January 1, 2009.*

3
4 **Advisory Committee Comment**

5
6 *Notice of Appeal (Misdemeanor)* (form CR-132) may be used to file the notice of appeal required
7 under this rule. This form is available at any courthouse or county law library or online at
8 ~~www.courtinfo.ca.gov/forms~~ www.courts.ca.gov/forms.

9
10 **Subdivision (a).** * * *

11
12 **Rule 8.853. Time to appeal**

13
14 **(a)** * * *

15
16 **(b) Cross-appeal**

17
18 If the defendant or the People timely appeal from a judgment or appealable order,
19 the time for any other party to appeal from the same judgment or order is either the
20 time specified in (a) or 15 days after the trial court clerk ~~mails~~ sends notification of
21 the first appeal, whichever is later.

22
23 *(Subd (b) amended effective January 1, 2016.)*

24
25 **(c)–(d)** * * *

26
27 *Rule 8.853 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
28 *amended effective July 1, 2010.*

29
30 **Rule 8.862. Preparation of clerk’s transcript**

31
32 **(a)–(b)** * * *

33
34 **(c) Probation officer’s reports**

35
36 A probation officer’s report included in the clerk’s transcript under rule
37 8.861(12)(D) must appear in only the copies of the appellate record that are sent to
38 the reviewing court, to appellate counsel for the People, and to appellate counsel
39 for the defendant who was the subject of the report or to the defendant if he or she
40 is self-represented. If the report is in paper form, it must be placed in a sealed
41 envelope. The reviewing court’s copy of the report, and if applicable, the envelope,
42 must be ~~placed in a sealed envelope~~ marked “CONFIDENTIAL—MAY NOT BE
43 EXAMINED WITHOUT COURT ORDER—PROBATION OFFICER REPORT.”

1
2 (Subd (c) amended effective January 1, 2016; adopted effective January 1, 2010.)

3
4 **(d)–(e) * * ***

5
6 *Rule 8.862 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
7 *amended effective July 1, 2009, January 1, 2010.*

8
9 **Rule 8.864. Record of oral proceedings**

10
11 **(a) Appellant’s election**

12
13 The appellant must notify the trial court whether he or she elects to proceed with or
14 without a record of the oral proceedings in the trial court. If the appellant elects to
15 proceed with a record of the oral proceedings in the trial court, the notice must
16 specify which form of the record of the oral proceedings in the trial court the
17 appellant elects to use:

18
19 (1) A reporter’s transcript under rules 8.865–8.867 or a transcript prepared from
20 an official electronic recording of the proceedings under rule 8.868(b). If the
21 appellant elects to use a reporter’s transcript, the clerk must promptly ~~mail~~
22 send a copy of appellant’s notice making this election and the notice of
23 appeal to each court reporter;

24
25 (2)–(3) * * *

26
27 *(Subd (a) amended effective January 1, 2016.)*

28
29 **(b)–(c) * * ***

30
31 *Rule 8.864 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
32 *amended effective January 1, 2010, and March 1, 2014.*

33
34 **Rule 8.866. Preparation of reporter’s transcript**

35
36 **(a) When preparation begins**

37
38 (1) * * *

39
40 (2) If the notice sent to the reporter by the clerk under rule 8.864(a)(1) indicates
41 that the appellant is the defendant and that the defendant was not represented
42 by appointed counsel at trial:

1 (A) Within 10 days after the date the clerk ~~mailed~~ sent the notice under rule
2 8.864(a)(1), the reporter must file with the clerk the estimated cost of
3 preparing the reporter's transcript.
4

5 (B) The clerk must promptly notify the appellant and his or her counsel of
6 the estimated cost of preparing the reporter's transcript. The
7 notification must show the date it was ~~mailed~~ sent.
8

9 (C) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (B),
10 the appellant must do one of the following:
11

12 (i)-(vii) * * *

13
14 (D) If the trial court determines that the appellant is not indigent, within 10
15 days after the date the clerk ~~mails~~ sends notice of this determination to
16 the appellant, the appellant must do one of the following:
17

18 (i)-(vi) * * *

19
20 (E) * * *

21
22 *(Subd (a) amended effective January 1, 2016; previously amended effective March 1,*
23 *2014.)*
24

25 **(b)-(e) * * ***

26
27 **(f) Notice when proceedings were not reported or cannot be transcribed**
28

29 (1) If any portion of the oral proceedings to be included in the reporter's
30 transcript was not reported or cannot be transcribed, the trial court clerk must
31 so notify the parties ~~by mail~~ in writing. The notice must:
32

33 (A) * * *

34
35 (B) Show the date it was ~~mailed~~ sent.
36

37 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must
38 serve and file a notice with the court stating whether the appellant elects to
39 proceed with or without a record of the identified proceedings. When the
40 party elects to proceed with a record of these oral proceedings:
41

42 (A)-(B) * * *

43

1 *(Subd (f) amended effective January 1, 2016; adopted effective March 1, 2014.)*

2
3 *Rule 8.866 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
4 *amended effective March 1, 2014.*

5
6 **Rule 8.868. Record when trial proceedings were officially electronically recorded**

7
8 **(a)–(d) * * ***

9
10 **(e) When preparation begins**

11
12 (1) * * *

13
14 (2) If the appellant is the defendant and the defendant was not represented by
15 appointed counsel at trial:

16
17 (A) Within 10 days after the date the defendant files the election under rule
18 8.864(a)(1), the clerk must notify the appellant and his or her counsel
19 of the estimated cost of preparing the transcript or the copy of the
20 recording. The notification must show the date it was ~~mailed~~ sent.

21
22 (B) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (A),
23 the appellant must do one of the following:

24
25 (i)–(v) * * *

26
27 (C) If the trial court determines that the appellant is not indigent, within 10
28 days after the date the clerk ~~mails~~ sends notice of this determination to
29 the appellant, the appellant must do one of the following:

30
31 (i)–(iv) * * *

32
33 (D) * * *

34
35 *(Subd (e) amended effective January 1, 2016; adopted as subd (d); previously amended*
36 *and relettered as subd (e) effective March 1, 2014.)*

37
38 **(f) Notice when proceedings were not officially electronically recorded or cannot**
39 **be transcribed**

40
41 (1) If any portion of the oral proceedings to be included in the transcript was not
42 officially electronically recorded under Government Code section 69957 or

1 cannot be transcribed, the trial court clerk must so notify the parties ~~by mail~~
2 in writing. The notice must:

3
4 (A) * * *

5
6 (B) Show the date it was ~~mailed~~ sent.

7
8 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must
9 serve and file a notice with the court stating whether the appellant elects to
10 proceed with or without a record of the identified oral proceedings. When the
11 party elects to proceed with a record of these oral proceedings:

12
13 (A)–(B) * * *

14
15 *(Subd (f) amended effective January 1, 2016; adopted effective March 1, 2014.)*

16
17 *Rule 8.868 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
18 *amended effective July 1, 2010, and March 1, 2014.*

19
20 **Rule 8.870. Exhibits**

21
22 (a)–(c) * * *

23
24 (d) **Transmittal**

25
26 Unless the appellate division orders otherwise, within 20 days after the first notice
27 under (b) is filed or after the appellate division directs that an exhibit be sent:

28
29 (1) The trial court clerk must put any designated exhibits in the clerk’s
30 possession into numerical or alphabetical order and send them to the
31 appellate division ~~with two copies of a list of the exhibits~~. The trial court
32 clerk must also send a list of the exhibits sent. If the exhibits are not
33 transmitted electronically, the trial court clerk must send two copies of the
34 list. If the appellate division clerk finds the list correct, the clerk must sign
35 and return ~~one~~ a copy to the trial court clerk.

36
37 (2) Any party in possession of designated exhibits returned by the trial court
38 must put them into numerical or alphabetical order and send them to the
39 appellate division ~~with two copies of a list of the exhibits sent~~. The party
40 must also send a list of the exhibits sent. If the exhibits are not transmitted
41 electronically, the party must send two copies of the list. If the appellate
42 division clerk finds the list correct, the clerk must sign and return ~~one~~ a copy
43 to the party.

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(Subd (d) amended effective January 1, 2016.)

(e) Return by appellate division

On request, the appellate division may return an exhibit to the trial court or to the party that sent it. When the remittitur issues, the appellate division must return all exhibits not transmitted electronically to the trial court or to the party that sent them.

(Subd (e) amended effective January 1, 2016.)

Rule 8.870 amended effective January 1, 2016; adopted effective January 1, 2009.

Rule 8.872. Sending and filing the record in the appellate division

(a)–(b) * * *

(c) Filing the record

On receipt, the appellate division clerk must promptly file the original record and ~~mail~~ send notice of the filing date to the parties.

(Subd (c) amended effective January 1, 2016.)

Rule 8.872 amended effective January 1, 2016; adopted effective January 1, 2009.

Rule 8.874. Failure to procure the record

(a) Notice of default

If a party fails to do any act required to procure the record, the trial court clerk must promptly notify that party ~~by mail~~ in writing that it must do the act specified in the notice within 15 days after the notice is ~~mailed~~ sent and that, if it fails to comply, the appellate division may impose the following sanctions:

(1)–(2) * * *

(Subd (a) amended effective January 1, 2016.)

(b) * * *

Rule 8.874 amended effective January 1, 2016; adopted effective March 1, 2014.

1
2 **Rule 8.881. Notice of briefing schedule**

3
4 When the record is filed, the clerk of the appellate division must promptly ~~mail~~ send a
5 notice to each appellate counsel or unrepresented party giving the dates the briefs are due.
6

7 *Rule 8.881 amended effective January 1, 2016; adopted effective January 1, 2009.*
8

9 **Rule 8.882. Briefs by parties and amici curiae**

10
11 (a) * * *

12
13 (b) **Extensions of time**

- 14
15 (1) Except as otherwise provided by statute, in a civil case, the parties may
16 extend each period under (a) by up to 30 days by filing one or more
17 stipulations in the appellate division before the brief is due. Stipulations must
18 be signed by and served on all parties. If the stipulation is filed in paper form,
19 the original signature of at least one party must appear on the stipulation filed
20 in the appellate division; the signatures of the other parties may be in the
21 form of fax copies of the signed signature page of the stipulation. If the
22 stipulation is electronically filed, the signatures must comply with the
23 requirements of rule 8.77.
24

25 (2)–(4) * * *

26
27 *(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2009;*
28 *previously amended effective January 1, 2010, and January 1, 2013.)*
29

30 (c) **Failure to file a brief**

- 31
32 (1) If a party in a civil appeal fails to timely file an appellant’s opening brief or a
33 respondent’s brief, the appellate division clerk must promptly notify the party
34 ~~by mail~~ in writing that the brief must be filed within 15 days after the notice
35 is ~~mailed~~ sent and that if the party fails to comply, the court may impose one
36 of the following sanctions:
37

38 (A)–(B) * * *

- 39
40 (2) If the appellant in a misdemeanor appeal fails to timely file an opening brief,
41 the appellate division clerk must promptly notify the appellant ~~by mail~~ in
42 writing that the brief must be filed within 30 days after the notice is ~~mailed~~

1 sent and that if the appellant fails to comply, the court may impose one of the
2 following sanctions:

3
4 (A)–(B) * * *

- 5
6 (3) If the respondent in a misdemeanor appeal fails to timely file a brief, the
7 appellate division clerk must promptly notify the respondent by mail in
8 writing that the brief must be filed within 30 days after the notice is ~~mailed~~
9 sent and that if the respondent fails to comply, the court may impose one of
10 the following sanctions:

11
12 (A)–(B) * * *

- 13
14 (4) * * *

15
16 *(Subd (c) amended effective January 1, 2016; adopted as subd (b); previously relettered as*
17 *subd (c) effective January 1, 2009; previously amended effective March 1, 2014.)*

18
19 (d)–(e) * * *

20
21 *Rule 8.882 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
22 *amended effective January 1, 2009, January 1, 2010, January 1, 2013, and March 1, 2014.*

23
24 **Rule 8.883. Contents and form of briefs**

25
26 (a)–(b) * * *

27
28 (c) **Form**

- 29
30 (1) A brief may be reproduced by any process that produces a clear, black image
31 of letter quality. All documents filed must have a page size of 8 1/2 by 11
32 inches. If filed in paper form, the paper must be white or unbleached, 8 1/2 by
33 11 inches, and of at least 20-pound weight. Both sides of the paper may be
34 used if the brief is not bound at the top.

- 35
36 (2) Any conventional ~~typeface~~ font may be used. The ~~typeface~~ font may be either
37 proportionally spaced or monospaced.

- 38
39 (3) The ~~type~~ font style must be roman; but for emphasis, italics or boldface may
40 be used or the text may be underscored. Case names must be italicized or
41 underscored. Headings may be in uppercase letters.
42

1 (4) Except as provided in (11), the ~~type~~ font size, including footnotes, must not
2 be smaller than 13-point.

3

4 (5)–(8) * * *

5

6 (9) If filed in paper form, the brief must be bound on the left margin, except that
7 briefs may be bound at the top if required by a local rule of the appellate
8 division. If the brief is stapled, the bound edge and staples must be covered
9 with tape.

10

11 (10)–(11)

12

13 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
14 *2011, January 1, 2013, and January 1, 2014.)*

15

16 **(d)** * * *

17

18 *Rule 8.883 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
19 *amended effective January 1, 2011, January 1, 2013, and January 1, 2014.*

20

21 **Rule 8.888. Finality and modification of decision**

22

23 **(a)–(b)** * * *

24

25 **(c) Consent to increase or decrease in amount of judgment**

26

27 If an appellate division decision conditions the affirmance of a money judgment on
28 a party's consent to an increase or decrease in the amount, the judgment is reversed
29 unless, before the decision is final under (a), the party serves and files ~~two copies~~ a
30 copy of a consent in the appellate division. If a consent is filed, the finality period
31 runs from the filing date of the consent. The clerk must send one filed-
32 ~~stamped~~ endorsed copy of the consent to the trial court with the remittitur.

33

34 *(Subd (c) amended effective January 1, 2016.)*

35

36 *Rule 8.888 amended effective January 1, 2016; adopted effective January 1, 2009.*

37

38 **Rule 8.890. Remittitur**

39

40 **(a)** * * *

41

42 **(b) Clerk's duties**

43

1 (1) If an appellate division case is not transferred to the Court of Appeal under
2 rule 8.1000 et seq., the appellate division clerk must:

3
4 (A) * * *

5
6 (B) Send the remittitur to the trial court with a ~~filed-stamped~~endorsed copy
7 of the opinion or order; and

8
9 (C) Return to the trial court with the remittitur all original records, exhibits,
10 and documents sent nonelectronically to the appellate division in
11 connection with the appeal, except any certification for transfer under
12 rule 8.1005, the transcripts or statement on appeal, briefs, and the
13 notice of appeal.

14
15 (2) * * *

16
17 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
18 *2011.)*

19
20 **(c)–(d)** * * *

21
22 *Rule 8.890 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
23 *amended effective January 1, 2011, and March 1, 2014.*

24
25 **Rule 8.891. Costs and sanctions in civil appeals**

26
27 **(a)–(e)** * * *

28
29 **Advisory Committee Comment**

30
31 **Subdivision (d).** “Net interest expenses” in subdivisions (d)(1)(F) and (G) means the interest
32 expenses incurred to borrow the funds that are deposited minus any interest earned by the
33 borrower on those funds while they are on deposit.

34
35 Subdivision (d)(1)(D), allowing recovery of the “costs to notarize, serve, mail, and file the record,
36 briefs, and other papers,” is intended to include fees charged by electronic filing service providers
37 for electronic filing and service of documents.

38
39 **Rule 8.901. Notice of appeal**

40
41 **(a)** * * *

42

1 **(b) Notification of the appeal**

2
3 (1) When a notice of appeal is filed, the trial court clerk must promptly ~~mail~~ send
4 a notification of the filing to the attorney of record for each party and to any
5 unrepresented defendant. The clerk must also ~~mail~~ send or deliver this
6 notification to the appellate division clerk.

7
8 (2) The notification must show the date it was ~~mailed~~ sent or delivered, the
9 number and title of the case, and the date the notice of appeal was filed.

10
11 (3)–(4) * * *

12
13 (5) The ~~mailing~~ sending of a notification under (1) is a sufficient performance of
14 the clerk’s duty despite the discharge, disqualification, suspension,
15 disbarment, or death of the attorney.

16
17 (6) * * *

18
19 *(Subd (b) amended effective January 1, 2016.)*

20
21 *Rule 8.901 amended effective January 1, 2016; adopted effective January 1, 2009.*

22
23 **Advisory Committee Comment**

24
25 *Notice of Appeal and Record of ~~Oral Proceedings~~ on Appeal (Infraction)* (form CR-142) may be
26 used to file the notice of appeal required under this rule. This form is available at any courthouse
27 or county law library or online at www.courtinfo.ca.gov/forms.

28
29 **Rule 8.902. Time to appeal**

30
31 **(a)** * * *

32
33 **(b) Cross-appeal**

34
35 If the defendant or the People timely appeals from a judgment or appealable order,
36 the time for any other party to appeal from the same judgment or order is either the
37 time specified in (a) or 30 days after the trial court clerk ~~mails~~ sends notification of
38 the first appeal, whichever is later.

39
40 *(Subd (b) amended effective January 1, 2016.)*

41
42 **(c)–(d)** * * *

43

1 Rule 8.902 amended effective January 1, 2016; adopted effective January 1, 2009; previously
2 amended effective July 1, 2010.

3
4 **Rule 8.904. Abandoning the appeal**

5
6 (a)–(c) * * *

7
8 **Advisory Committee Comment**

9
10 *Abandonment of Appeal (Infraction)* (form CR-145) may be used to file an abandonment under
11 this rule. This form is available at any courthouse or county law library or online at
12 www.courtsinfo.ca.gov/forms.

13
14 **Rule 8.911. Prosecuting attorney’s notice regarding the record**

15
16 If the prosecuting attorney does not want to receive a copy of the record on appeal, within
17 10 days after the notification of the appeal under rule 8.901(b) is ~~mailed~~ sent to the
18 prosecuting attorney, the prosecuting attorney must serve and file a notice indicating that
19 he or she does not want to receive the record.

20
21 *Rule 8.911 amended effective January 1, 2016; adopted effective January 1, 2009.*

22
23 **Rule 8.915. Record of oral proceedings**

24
25 (a) **Appellant’s election**

26
27 The appellant must notify the trial court whether he or she elects to proceed with or
28 without a record of the oral proceedings in the trial court. If the appellant elects to
29 proceed with a record of the oral proceedings in the trial court, the notice must
30 specify which form of the record of the oral proceedings in the trial court the
31 appellant elects to use:

32
33 (1)–(2) * * *

34
35 (3) A reporter’s transcript under rules 8.918–8.920 or a transcript prepared from
36 an official electronic recording of the proceedings under rule 8.917(b). If the
37 appellant elects to use a reporter’s transcript, the clerk must promptly ~~mail~~
38 send a copy of appellant’s notice making this election and the notice of
39 appeal to each court reporter.

40
41 *(Subd (a) amended effective January 1, 2016.)*

42

1 (b)–(c) * * *

2
3 *Rule 8.915 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
4 *amended effective January 1, 2010, and March 1, 2014.*

5
6 **Rule 8.917. Record when trial proceedings were officially electronically recorded**

7
8 (a)–(d) * * *

9
10 (e) **When preparation begins**

11
12 (1) * * *

13
14 (2) If the appellant is the defendant:

15
16 (A) Within 10 days after the date the appellant files the election under rule
17 8.915(a), the clerk must notify the appellant and his or her counsel of
18 the estimated cost of preparing the transcript or the copy of the
19 recording. The notification must show the date it was ~~mailed~~ sent.

20
21 (B) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (A),
22 the appellant must do one of the following:

23
24 (i)–(v) * * *

25
26 (C) If the trial court determines that the appellant is not indigent, within 10
27 days after the date the clerk ~~mails~~ sends notice of this determination to
28 the appellant, the appellant must do one of the following:

29
30 (i)–(iv) * * *

31
32 (D) * * *

33
34 *(Subd (e) amended effective January 1, 2016; adopted as subd (d); previously amended*
35 *and relettered as subd (e) effective March 1, 2014.)*

36
37 (f) **Notice when proceedings were not officially electronically recorded or cannot**
38 **be transcribed**

39
40 (1) If any portion of the oral proceedings to be included in the transcript were not
41 officially electronically recorded under Government Code section 69957 or
42 cannot be transcribed, the trial court clerk must so notify the parties ~~by mail~~
43 in writing. The notice must:

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(A) * * *

(B) Show the date it was ~~mailed~~ sent.

(2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must serve and file a notice with the court stating whether the appellant elects to proceed with or without a record of the identified proceedings. When the party elects to proceed with a record of these oral proceedings:

(A)–(B) * * *

(Subd (f) amended effective January 1, 2016; adopted effective March 1, 2014.)

Rule 8.917 amended effective January 1, 2016; adopted effective January 1, 2009; previously amended effective July 1, 2010, and March 1, 2014.

Rule 8.919. Preparation of reporter’s transcript

(a) When preparation begins

(1) * * *

(2) If the notice sent to the reporter by the clerk under rule 8.915(a)(3) indicates that the appellant is the defendant:

(A) Within 10 days after the date the clerk ~~mailed~~ sent the notice under rule 8.915(a)(3), the reporter must file with the clerk the estimated cost of preparing the reporter’s transcript; and

(B) The clerk must promptly notify the appellant and his or her counsel of the estimated cost of preparing the reporter’s transcript. The notification must show the date it was ~~mailed~~ sent.

(C) Within 10 days after the date the clerk ~~mailed~~ sent the notice under (B), the appellant must do one of the following:

(i)–(vii) * * *

(D) If the trial court determines that the appellant is not indigent, within 10 days after the date the clerk ~~mailed~~ sends notice of this determination to the appellant, the appellant must do one of the following:

1 (i)–(vi) * * *

2
3 (E) * * *

4
5 *(Subd (a) amended effective January 1, 2016; previously amended effective March 1,*
6 *2014.)*

7
8 **(b)–(e)** * * *

9
10 **(f) Notice when proceedings cannot be transcribed**

11
12 (1) If any portion of the oral proceedings to be included in the reporter’s
13 transcript was not reported or cannot be transcribed, the trial court clerk must
14 so notify the parties ~~by mail~~ in writing. The notice must:

15
16 (A) * * *

17
18 (B) Show the date it was ~~mailed~~ sent.

19
20 (2) Within 15 days after this notice is ~~mailed~~ sent by the clerk, the appellant must
21 serve and file a notice with the court stating whether the appellant elects to
22 proceed with or without a record of the identified proceedings. When the
23 party elects to proceed with a record of these oral proceedings:

24
25 (A)–(B) * * *

26
27 *(Subd (f) amended effective January 1, 2016; adopted effective March 1, 2014.)*

28
29 *Rule 8.919 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
30 *amended effective March 1, 2014.*

31
32 **Rule 8.921. Exhibits**

33
34 **(a)–(c)** * * *

35
36 **(d) Transmittal**

37
38 Unless the appellate division orders otherwise, within 20 days after notice under (b)
39 is filed or after the appellate division directs that an exhibit be sent:

40
41 (1) The trial court clerk must put any designated exhibits in the clerk’s
42 possession into numerical or alphabetical order and send them to the
43 appellate division ~~with two copies of a list of the exhibits sent.~~ The trial court

1 clerk must also send a list of the exhibits sent. If the exhibits are not
2 transmitted electronically, the trial court clerk must send two copies of the
3 list. If the appellate division clerk finds the list correct, the clerk must sign
4 and return ~~one~~ a copy to the trial court clerk.
5

- 6 (2) Any party in possession of designated exhibits returned by the trial court
7 must put them into numerical or alphabetical order and send them to the
8 appellate division ~~with two copies of a list of the exhibits sent.~~ The party
9 must also send a list of the exhibits sent. If the exhibits are not transmitted
10 electronically, the party must send two copies of the list. If the appellate
11 division clerk finds the list correct, the clerk must sign and return ~~one~~ a copy
12 to the party.
13

14 *(Subd (d) amended effective January 1, 2016.)*
15

16 **(e) Return by appellate division**
17

18 On request, the appellate division may return an exhibit to the trial court or to the
19 party that sent it. When the remittitur issues, the appellate division must return all
20 exhibits not transmitted electronically to the trial court or to the party that sent
21 them.
22

23 *(Subd (e) amended effective January 1, 2016.)*
24

25 *Rule 8.921 amended effective January 1, 2016; adopted effective January 1, 2009.*
26

27 **Rule 8.922. Sending and filing the record in the appellate division**
28

29 **(a)–(b) * * ***
30

31 **(c) Filing the record**
32

33 On receipt, the appellate division clerk must promptly file the original record and
34 ~~mail~~ send notice of the filing date to the parties.
35

36 *(Subd (c) amended effective January 1, 2016.)*
37

38 *Rule 8.922 amended effective January 1, 2016; adopted effective January 1, 2009.*
39

40 **Rule 8.924. Failure to procure the record**
41

42 **(a) Notice of default**
43

1 If a party fails to do any act required to procure the record, the trial court clerk must
2 promptly notify that party ~~by mail~~ in writing that it must do the act specified in the
3 notice within 15 days after the notice is ~~mailed~~ sent and that, if it fails to comply,
4 the reviewing court may impose the following sanctions:

5
6 (1)–(2) * * *

7
8 *(Subd (a) amended effective January 1, 2016.)*
9

10 **(b)** * * *

11
12 *Rule 8.924 amended effective January 1, 2016; adopted effective March, 1, 2014.*
13

14 **Rule 8.926. Notice of briefing schedule**

15
16 When the record is filed, the clerk of the appellate division must promptly ~~mail~~ send, to
17 each appellate counsel or unrepresented party, a notice giving the dates the briefs are due.
18

19 *Rule 8.926 amended effective January 1, 2016; adopted effective January 1, 2009.*
20

21 **Rule 8.927. Briefs**

22
23 **(a)** * * *

24
25 **(b) Failure to file a brief**

26
27 (1) If the appellant fails to timely file an opening brief, the appellate division
28 clerk must promptly notify the appellant ~~by mail~~ in writing that the brief must
29 be filed within 20 days after the notice is ~~mailed~~ sent and that if the appellant
30 fails to comply, the court may dismiss the appeal.
31

32 (2) If the respondent fails to timely file a brief, the appellate division clerk must
33 promptly notify the respondent ~~by mail~~ in writing that the brief must be filed
34 within 20 days after the notice is ~~mailed~~ sent and that if the respondent fails
35 to comply, the court will decide the appeal on the record, the appellant's
36 opening brief, and any oral argument by the appellant.
37

38 (3) * * *

39
40 *(Subd (b) amended effective January 1, 2016; previously amended effective March 1,*
41 *2014.)*
42

1 (c) * * *

2
3 *Rule 8.927 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
4 *amended effective March 1, 2014.*

5
6 **Rule 8.928. Contents and form of briefs**

7
8 (a)–(b) * * *

9
10 (c) **Form**

11
12 (1) A brief may be reproduced by any process that produces a clear, black image
13 of letter quality. All documents filed must have a page size of 8 1/2 by 11
14 inches. If filed in paper form, the paper must be white or unbleached, 8 1/2 by
15 11 inches, and of at least 20-pound weight. Both sides of the paper may be
16 used if the brief is not bound at the top.

17
18 (2) Any conventional typeface font may be used. The typeface font may be either
19 proportionally spaced or monospaced.

20
21 (3) The type font style must be roman; but for emphasis, italics or boldface may
22 be used or the text may be underscored. Case names must be italicized or
23 underscored. Headings may be in uppercase letters.

24
25 (4) Except as provided in (11), the type font size, including footnotes, must not
26 be smaller than 13-point.

27
28 (5)–(8) * * *

29
30 (9) If filed in paper form, the brief must be bound on the left margin, except that
31 briefs may be bound at the top if required by a local rule of the appellate
32 division. If the brief is stapled, the bound edge and staples must be covered
33 with tape.

34
35 (10)–(11) * * *

36
37 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
38 *2013, and March 1, 2014.)*

39
40 (d) * * *

41
42 *Rule 8.928 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
43 *amended effective January 1, 2011, January 1, 2013, and March 1, 2014.*

1
2 **Rule 8.930. Application**

3
4 **(a) Writ proceedings governed**

5
6 Except as provided in (b), the rules in this chapter govern proceedings in the
7 appellate division for writs of mandate, certiorari, or prohibition, or other writs
8 within the original jurisdiction of the appellate division, including writs relating to
9 a postjudgment enforcement order of the small claims division. In all respects not
10 provided for in this chapter, rule 8.883, regarding the form and content of briefs,
11 applies.

12
13 *(Subd (a) amended effective January 1, 2016.)*

14
15 **(b) Writ proceedings not governed**

16
17 The rules in this chapter do not apply to:

18
19 (1) Petitions for writs of supersedeas under rule 8.824;

20
21 (2) Petitions for writs relating to acts of the small claims division other than a
22 postjudgment enforcement order; or

23
24 (3) Petitions for writs not within the original jurisdiction of the appellate
25 division.

26
27 *(Subd (b) amended effective January 1, 2016.)*

28
29 *Rule 8.930 amended effective January 1, 2016; adopted effective January 1, 2009.*

30
31 **Advisory Committee Comment**

32
33 *Information on Writ Proceedings in Misdemeanor, Infraction, and Limited Civil Cases* (form
34 APP-150-INFO) provides additional information about proceedings for writs in the appellate
35 division of the superior court. This form is available at any courthouse or county law library or
36 online at www.courts.ca.gov/forms.

37
38 **Subdivision (b)(1).** The superior courts, not the appellate divisions, have original jurisdiction in
39 habeas corpus proceedings (see Cal. Const., art. VI, § 10). Habeas corpus proceedings in the
40 superior courts are governed by rules 4.550 et seq.

41

1 **Subdivision (b)(2).** A petition that seeks a writ relating to an act of the small claims division
2 other than a postjudgment enforcement order is heard by a single judge of the appellate division
3 (see Code Civ. Proc. § 116.798(a)) and is governed by rules 8.970 et seq.
4

5 **Rule 8.931. Petitions filed by persons not represented by an attorney**

6
7 **(a)–(b) * * ***
8

9 **(c) Form of supporting documents**

10
11 (1) Documents submitted under (b) must comply with the following
12 requirements:

13
14 (A) If submitted in paper form, they must be bound together at the end of
15 the petition or in separate volumes not exceeding 300 pages each. The
16 pages must be consecutively numbered.

17
18 (B) If submitted in paper form, they must be index-tabbed by number or
19 letter.

20
21 (C) They must begin with a table of contents listing each document by its
22 title and its index-tab number or letter. If a document has attachments,
23 the table of contents must give the title of each attachment and a brief
24 description of its contents.

25
26 (2) * * *

27
28 (3) Unless the court provides otherwise by local rule or order, only one set of ~~any~~
29 ~~separately bound~~ the supporting documents needs to be filed in support of a
30 petition, an answer, an opposition, or a reply.

31
32 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
33 *2011.)*

34
35 **(d) * * ***
36

37 *Rule 8.931 amended effective January 1, 2016; adopted effective January 1, 2009; previously*
38 *amended effective January 1, 2009, January 1, 2011, and January 1, 2014.*

39
40 **Division 3. Trial of Small Claims Cases on Appeal Rules Relating to Appeals and**
41 **Writs in Small Claims Cases**
42

1 Title 8, Appellate Rules—Division 3, Rules Relating to Appeals and Writs in Small Claims; amended
2 effective January 1, 2016.

3
4 **Chapter 1. Trial of Small Claims Cases on Appeal**

5
6 Title 8, Appellate Rules—Division 3, Rules Relating to Appeals and Writs in Small Claims—Chapter
7 1, Trial of Small Claims Cases on Appeal; adopted effective January 1, 2016.

8
9 **Rule 8.950. Application**

10
11 The rules in this ~~division~~ chapter supplement article 7 of the Small Claims Act, Code of
12 Civil Procedure sections 116.710 et seq., providing for new trials of small claims cases
13 on appeal, and must be read in conjunction with those statutes.

14
15 *Rule 8.950 amended effective January 1, 2016; adopted as rule 151 effective July 1, 1964;*
16 *previously amended effective January 1, 1977, and January 1, 2005; previously amended and*
17 *renumbered as rule 8.900 effective January 1, 2007; previously renumbered as rule 8.950*
18 *effective January 1, 2009.*

19
20 **Rule 8.952–8.966 * * ***

21
22 **Chapter 2. Writ Petitions**

23
24 Title 8, Appellate Rules—Division 3, Rules Relating to Appeals and Writs in Small Claims—Chapter
25 2, Writ Petitions; adopted effective January 1, 2016.

26
27 **Rule 8.970. Application**

28
29 **(a) Writ proceedings governed**

30
31 Except as provided in (b), the rules in this chapter govern proceedings under Code
32 of Civil Procedure section 116.798(a) for writs of mandate, certiorari, or
33 prohibition, relating to an act of the small claims division, other than a
34 postjudgment enforcement order. In all respects not provided for in this chapter,
35 rule 8.883, regarding the form and content of briefs, applies.

36
37 **(b) Writ proceedings not governed**

38
39 The rules in this chapter do not apply to:

- 40
41 (1) Proceedings under Code of Civil Procedure section 116.798(c) for writs
42 relating to a postjudgment enforcement order of the small claims division,
43 which are governed by rules 8.930–8.936.

1 (1) A person who is not represented by an attorney and who requests a writ under
2 this chapter must file the petition on a *Petition for Writ (Small Claims)* (form
3 SC-300). For good cause the court may permit an unrepresented party to file
4 a petition that is not on that form.

5
6 (2) If the petition raises any issue that would require the appellate division judge
7 considering it to understand what was said in the small claims court, it must
8 include a statement that fairly summarizes the proceedings, including the
9 parties' arguments and any statement by the small claims court supporting its
10 ruling.

11
12 (3) The clerk must file the petition even if it is not verified but if the party asking
13 for the writ fails to file a verification within five days after the clerk gives
14 notice of the defect, the court may strike the petition.

15
16 **(b) Contents of supporting documents**

17
18 (1) The petition must be accompanied by copies of the following:

19
20 (A) The small claims court ruling from which the petition seeks relief;

21
22 (B) All documents and exhibits submitted to the small claims court
23 supporting and opposing the petitioner's position; and

24
25 (C) Any other documents or portions of documents submitted to the small
26 claims court that are necessary for a complete understanding of the case
27 and the ruling under review.

28
29 (2) If the petition does not include the required documents or does not present
30 facts sufficient to excuse the failure to submit them, the appellate division
31 judge may summarily deny a stay request, the petition, or both.

32
33 **(c) Form of supporting documents**

34
35 (1) Documents submitted under (b) must comply with the following
36 requirements:

37
38 (A) They must be attached to the petition. The pages must be consecutively
39 numbered.

40
41 (B) They must each be given a number or letter.
42

1 (2) The clerk must file any supporting documents not complying with (1), but the
2 court may notify the petitioner that it may strike or summarily deny the
3 petition if the documents are not brought into compliance within a stated
4 reasonable time of not less than five days.

5
6 **(d) Service**

7
8 (1) The petition and all its attachments, and a copy of *Information on Writ*
9 *Proceedings in Small Claims Cases* (form SC-300-INFO) must be served
10 personally or by mail on all the parties in the case, and the petition must be
11 served on the small claims court.

12
13 (2) The petitioner must file a proof of service at the same time the petition is
14 filed.

15
16 (3) The clerk must file the petition even if its proof of service is defective but if
17 the party asking for the writ fails to file a corrected proof of service within
18 five days after the clerk gives notice of the defect, the court may strike the
19 petition or allow additional time to file a corrected proof of service.

20
21 (4) The court may allow the petition to be filed without proof of service.
22

23 *Rule 8.972 adopted effective January 1, 2016.*

24
25 **Advisory Committee Comment**

26
27 **Subdivision (a).** *Petition for Writ (Small Claims)* (form SC-300) and *Information on Writ*
28 *Proceedings in Small Claims Cases* (form SC-300-INFO) are available at any courthouse or
29 county law library or online at www.courts.ca.gov/forms.

30
31 **Rule 8.973. Petitions filed by an attorney for a party**

32
33 **(a) General application of rule 8.972**

34
35 Except as provided in this rule, rule 8.972 applies to any petition for an
36 extraordinary writ filed by an attorney under this chapter.

37
38 **(b) Form and content of petition**

39
40 (1) A petition for an extraordinary writ filed by an attorney may, but is not
41 required to be, filed on *Petition for Writ (Small Claims)* (form SC-300). It
42 must contain all the information requested in that form.
43

- 1 (2) The petition must disclose the name of any real party in interest.
- 2
- 3 (3) If the petition seeks review of small claims court proceedings that are also the
4 subject of a pending appeal, the notice “Related Appeal Pending” must
5 appear on the cover of the petition, and the first paragraph of the petition
6 must state the appeal’s title and any appellate division docket number.
- 7
- 8 (4) The petition must be verified.
- 9
- 10 (5) The petition must be accompanied by a memorandum, which need not repeat
11 facts alleged in the petition.
- 12
- 13 (6) Rule 8.883(b) governs the length of the petition and memorandum, but the
14 verification and any supporting documents are excluded from the limits
15 stated in rule 8.883(b)(1) and (2).
- 16
- 17 (7) If the petition requests a temporary stay, it must explain the urgency.
- 18

19 *Rule 8.973 adopted effective January 1, 2016.*

20

21 **Rule 8.974. Opposition**

22

23 **(a) Preliminary opposition**

- 24
- 25 (1) The respondent and real party in interest are not required to file any
26 opposition to the petition unless asked to do so by the appellate division
27 judge.
- 28
- 29 (2) Within 10 days after the petition is filed, the respondent or any real party in
30 interest may serve and file a preliminary opposition.
- 31
- 32 (3) A preliminary opposition should contain any legal arguments the party wants
33 to make as to why the appellate division judge should not issue a writ and a
34 statement of any material facts not included in the petition.
- 35
- 36 (4) Without requesting opposition, the appellate division judge may grant or
37 deny a request for temporary stay, deny the petition, issue an alternative writ
38 or order to show cause, or notify the parties that the judge is considering
39 issuing a peremptory writ in the first instance.
- 40

41 **(b) Return or opposition; reply**

42

- 1 (1) If the appellate division judge issues an alternative writ or order to show
2 cause, the respondent or any real party in interest, individually or jointly, may
3 serve and file a return (which is a response to the petition) by demurrer,
4 verified answer, or both. If the appellate division judge notifies the parties
5 that he or she is considering issuing a peremptory writ in the first instance,
6 the respondent or any real party in interest may serve and file an opposition.
7
8 (2) Unless the appellate division judge orders otherwise, the return or opposition
9 must be served and filed within 30 days after the appellate division judge
10 issues the alternative writ or order to show cause or notifies the parties that it
11 is considering issuing a peremptory writ in the first instance.
12
13 (3) Unless the appellate division judge orders otherwise, the petitioner may serve
14 and file a reply within 15 days after the return or opposition is filed.
15
16 (4) If the return is by demurrer alone and the demurrer is not sustained, the
17 appellate division judge may issue the peremptory writ without granting
18 leave to answer.
19

20 **(c) Form of preliminary opposition, return, or opposition**

21
22 Any preliminary opposition, return, or opposition must comply with rule 8.931(c).
23 If it is filed by an attorney, it must also comply with rule 8.932(b)(3)–(7).
24

25 *Rule 8.974 adopted effective January 1, 2016.*
26

27 **Rule 8. 975. Notice to small claims court**

28
29 **(a) Notice if writ issues**

30
31 If a writ or order issues directed to any judge, court, or other officer, the appellate
32 division clerk must promptly send a certified copy of the writ or order to the person
33 or entity to whom it is directed.
34

35 **(b) Notice by telephone**

- 36
37 (1) If the writ or order stays or prohibits proceedings set to occur within seven
38 days or requires action within seven days—or in any other urgent situation—
39 the appellate division clerk must make a reasonable effort to notify the clerk
40 of the respondent small claims court by telephone. The clerk of the
41 respondent small claims court must then notify the judge or officer most
42 directly concerned.
43

1 (2) The appellate division clerk need not give notice by telephone of the
2 summary denial of a writ, whether or not a stay was previously issued.

3
4 *Rule 8.975 adopted effective January 1, 2016.*

5
6 **Rule 8.976. Filing, finality, and modification of decisions; remittitur**

7
8 **(a) Filing of decision**

9
10 The appellate division clerk must promptly file all opinions and orders in
11 proceedings under this chapter and promptly send copies showing the filing date to
12 the parties and, when relevant, to the small claims court.

13
14 **(b) Finality of decision**

15
16 (1) Except as otherwise ordered by the appellate division judge, the following
17 decisions regarding petitions for writs under this chapter are final in the
18 issuing court when filed:

19
20 (A) An order denying or dismissing such a petition without issuance of an
21 alternative writ, order to show cause, or writ of review; and

22
23 (B) An order denying or dismissing such a petition as moot after issuance
24 of an alternative writ, order to show cause, or writ of review.

25
26 (2) Except as otherwise provided in (3), all other decisions in a writ proceeding
27 under this chapter are final 30 days after the decision is filed.

28
29 (3) If necessary to prevent mootness or frustration of the relief granted or to
30 otherwise promote the interests of justice, a judge in the appellate division
31 may order early finality of a decision granting a petition for a writ under this
32 chapter or denying such a petition after issuing an alternative writ, order to
33 show cause, or writ of review. The decision may provide for finality on filing
34 or within a stated period of less than 30 days.

35
36 **(c) Modification of decisions**

37
38 Rule 8.888(b) governs the modification of decisions in writ proceedings under this
39 chapter.

40
41 **(d) Remittitur**

42

1 decision are governed by rule 8.264 and remittitur is governed by rule 8.272,
2 except that the clerk must address the remittitur to the appellate division and send
3 that court ~~two copies~~ a copy of the remittitur and ~~two file stamped copies~~ a filed-
4 endorsed copy of the Court of Appeal opinion or order. If the remittitur and opinion
5 are sent in paper format, two copies must be sent. On receipt of the Court of Appeal
6 remittitur, the appellate division clerk must promptly issue a remittitur if there will
7 be no further proceedings in that court.

8
9 *(Subd (c) amended effective January 1, 2016; adopted as subd (a); previously relettered as*
10 *subd (b) effective January 1, 2009; previously amended and relettered as subd (c) effective*
11 *January 1, 2011.)*

12
13 **(d) Documents to be returned**

14
15 When the Court of Appeal denies or vacates transfer or issues a remittitur under (c),
16 the Court of Appeal clerk must return to the appellate division any part of the
17 record sent nonelectronically to the Court of Appeal under rule 8.1007 and any
18 exhibits that were sent nonelectronically.

19
20 *(Subd (d) amended effective January 1, 2016; adopted as subd (c); previously relettered as*
21 *subd (d) effective January 1, 2009; previously amended effective January 1, 2011.)*

22
23 *Rule 8.1018 amended effective January 1, 2016; repealed and adopted as rule 69 effective*
24 *January 1, 2003; previously renumbered as rule 8.1018 effective January 1, 2007; previously*
25 *amended effective January 1, 2009, and January 1, 2011.*

26
27 **Rule 10.2. Judicial Council membership and terms**

28
29 **(a) * * ***

30
31 **(b) Council officers and duties**

32
33 **(1) * * ***

34
35 **(2) *Chairs and vice-chairs of the internal committees***

36
37 The Judicial Council has ~~four~~ five internal committees composed of Judicial
38 Council members, as specified in rule 10.10. The Chief Justice appoints for a
39 one-year term the chair and vice-chair of each of the council's internal
40 committees. Chairs call meetings, as necessary, and provide reports to the
41 council on the activities of the internal committees.
42

1 (3) *Officers*

2

3 The Judicial Council has ~~seven~~ eight officers: the chair, vice-chair, secretary,
4 and the chairs of the council's ~~four~~ five internal committees.

5

6 (4) *Administrative Director* ~~of the Courts~~

7

8 The Administrative Director ~~of the Courts~~ is the secretary to the Judicial
9 Council and performs administrative and policymaking functions as provided
10 by the Constitution and the laws of the State of California and as delegated
11 by the Judicial Council and the Chief Justice. The secretary is not a voting
12 member of the council.

13

14 *(Subd (b) amended effective January 1, 2016; previously amended effective August 14,*
15 *2009.)*

16

17 (c)–(e) * * *

18

19 *Rule 10.2 amended effective January 1, 2016; adopted as rule 6.2 effective January 1, 1999;*
20 *previously amended and renumbered as rule 10.2 effective January 1, 2007; previously amended*
21 *effective August 14, 2009, and January 1, 2015.*

22

23 **Rule 10.5. Notice and agenda of council meetings**

24

25 (a) * * *

26

27 (b) **Meeting schedule**

28

29 The ~~Administrative Office of the Courts~~ Judicial Council must publish a regular
30 annual schedule that states the planned date, ~~purpose~~, and location of each meeting.
31 Additional meetings may be scheduled as necessary.

32

33 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
34 *2004, and January 1, 2007.)*

35

36 (c) **Notice of business meetings**

37

38 “Business meetings” are council meetings at which a majority of voting members
39 are present to discuss and decide matters within the council’s jurisdiction. The
40 ~~Administrative Office of the Courts~~ Judicial Council must give public notice of the
41 date, location, and agenda of each business meeting at least seven days before the
42 meeting. The notice must state whether the meeting is open or closed. If the
43 meeting is partly closed, the notice must indicate which agenda items are closed. A

1 meeting may be conducted without notice in case of an emergency requiring
2 prompt action.

3
4 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
5 *2004.)*

6
7 **(d) Budget meetings**

8
9 A “budget meeting” is that portion of any business meeting at which trial court
10 budgets are to be discussed. The ~~Administrative Office of the Courts~~ Judicial
11 Council must provide notice of a budget meeting in the same manner as any other
12 business meeting. Budget meetings normally are scheduled as follows:

13
14 (1)–(4) * * *

15
16 *(Subd (d) amended effective January 1, 2016; adopted effective January 1, 2004.)*

17
18 **(e) Form of notice**

19
20 The notice and agenda for council meetings must be posted ~~at the Administrative~~
21 ~~Office of the Courts and~~ on the California Courts ~~Web site~~ website
22 (*www.courtsinfo.ca.gov*). In addition, the notice and agenda for budget meetings
23 must be provided to designated employee representatives who have submitted a
24 written request to the ~~Administrative Office of the Courts~~ Judicial Council
25 (attention ~~Secretariat~~ Judicial Council Support).

26
27 *(Subd (e) amended effective January 1, 2016; adopted as subd (d); previously amended*
28 *and relettered as subd (e) effective January 1, 2004; previously amended effective January*
29 *1, 2007.)*

30
31 **(f) * * ***

32
33 **(g) Meeting materials**

34
35 (1) * * *

36
37 (2) *Budget materials*

38
39 (A) * * *

40
41 (B) *Distribution*

42
43 Materials must be made available by posting on the California Courts

1 ~~Web site~~ website and by distribution to designated employee
2 representatives who have submitted a written request to the
3 ~~Administrative Office of the Courts~~ Judicial Council of California
4 (attention ~~Secretariat~~ Judicial Council Support).

5
6 (C) * * *

7
8 *(Subd (g) amended effective January 1, 2016; adopted as subd (f); previously amended and*
9 *relettered as subd (g) effective January 1, 2004; previously amended effective January 1,*
10 *2007.)*

11
12 (h) * * *

13
14 *Rule 10.5 amended effective January 1, 2016; adopted as rule 6.5 effective January 1, 1999;*
15 *previously amended effective January 1, 2004; previously amended and renumbered as rule 10.5*
16 *effective January 1, 2007.*

17
18 **Rule 10.6. Judicial Council meetings**

19
20 (a)–(c) * * *

21
22 (d) **Requests to speak—general**

23
24 The Executive and Planning Committee, in its discretion, may allow a member of
25 the public to speak at a business meeting. Unless the Chief Justice waives this
26 requirement, any member of the public who wishes to speak at a business meeting
27 must submit a request of no more than two pages to the chair of the Executive and
28 Planning Committee by delivering it to the ~~Administrative Office of the Courts~~
29 Judicial Council (attention Judicial Council Support) at least four business days
30 before the meeting.

31
32 (1)–(2) * * *

33
34 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
35 *2004, and January 1, 2007.)*

36
37 (e) **Presentation of information on trial court budget matters**

38
39 (1) * * *

40
41 (2) *Oral presentation*

42
43 Any designated employee representative who wishes to make an oral

1 presentation to the Judicial Council must make a written request to the
2 ~~Administrative Office of the Courts~~ Judicial Council of California (attention
3 ~~Secretariat~~ Judicial Council Support) no later than 24 hours before the
4 meeting unless the issue has arisen within the last five business days before
5 the meeting, in which case the written request may be made on the day of the
6 meeting.

7
8 (3) * * *

9
10 *(Subd (e) amended effective January 1, 2016; adopted effective January 1, 2004;*
11 *previously amended effective January 1, 2007.)*

12
13 (f)–(g) * * *

14
15 *Rule 10.6 amended effective January 1, 2016; adopted as rule 6.6 effective January 1, 1999;*
16 *previously amended effective January 1, 2004; previously amended and renumbered as rule 10.6*
17 *effective January 1, 2007.*

18
19 **Rule 10.10. Judicial Council internal committees**

20
21 (a)–(c) * * *

22
23 (d) **Meetings**

24
25 Each internal committee meets as often as necessary to perform its responsibilities.
26 The Administrative Director ~~of the Courts~~, as secretary of the Judicial Council,
27 may attend and participate in the meetings of each internal committee. ~~Internal~~
28 ~~committee meetings are closed to the public but may be opened at the committee~~
29 ~~chair's discretion.~~

30
31 *(Subd (d) amended effective January 1, 2016; adopted as subd (c); previously amended*
32 *and relettered as subd (d) effective August 14, 2009.)*

33
34 (e)–(g) * * *

35
36 *Rule 10.10 amended effective January 1, 2016; adopted as rule 6.10 effective January 1, 1999;*
37 *previously amended and renumbered as rule 10.10 effective January 1, 2007; previously*
38 *amended effective August 14, 2009, and February 20, 2014.*

39
40 **Rule 10.11. Executive and Planning Committee**

41
42 (a)–(e) * * *

43

1 **(f) Topics for making policy and receiving updates**

2
3 The committee develops a schedule of topics that the council intends to consider
4 for making policy and receives updates from the Administrative Director of the
5 ~~Courts or Administrative Office of the Courts~~ Judicial Council staff.

6
7 *(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009.)*

8
9 **(g)–(j) * * ***

10
11 *Rule 10.11 amended effective January 1, 2016; adopted as rule 6.11 effective January 1, 1999;*
12 *previously amended and renumbered as rule 10.11 effective January 1, 2007; previously*
13 *amended effective January 1, 2002, September 1, 2003, January 1, 2005, and August 14, 2009.*

14
15 **Rule 10.12. Policy Coordination and Liaison Committee**

16
17 **(a) Legislative activities**

18
19 The Policy Coordination and Liaison Committee performs the following functions:

20
21 (1) Taking a position on behalf of the council on pending legislative bills, after
22 evaluating input from the council advisory bodies and ~~the Administrative~~
23 ~~Office of the Courts~~ Judicial Council staff, and any other input received from
24 the courts, provided that the position is consistent with the council's
25 established policies and precedents;

26
27 (2) Making recommendations to the council on all proposals for council-
28 sponsored legislation and on an annual legislative agenda after evaluating
29 input from council advisory bodies and ~~the Administrative Office of the~~
30 ~~Courts~~ Judicial Council staff, and any other input received from the courts;
31 and

32
33 (3) * * *

34
35 *(Subd (a) amended effective January 1, 2016; adopted as subd (b); previously amended*
36 *effective September 1, 2003; previously amended and relettered as subd (a) effective*
37 *August 14, 2009.)*

38
39 **(b)–(d) * * ***

40
41 *Rule 10.12 amended effective January 1, 2016; adopted as rule 6.12 effective January 1, 1999;*
42 *previously amended and renumbered as rule 10.12 effective January 1, 2007; previously*
43 *amended effective September 1, 2003, and August 14, 2009.*

1
2 **Rule 10.13. Rules and Projects Committee**

3
4 (a)–(e) * * *

5
6 (f) **Responsibility of the Administrative Director of the Courts**

7
8 The Administrative Director is responsible for ensuring that items submitted to the
9 committee for circulation for comment and the council’s agenda comply with the
10 committee’s procedures and its guidelines on format and style.

11
12 *(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009.)*

13
14 *Rule 10.13 amended effective January 1, 2016; adopted as rule 6.13 effective January 1, 1999;*
15 *previously amended and renumbered as rule 10.13 effective January 1, 2007; previously*
16 *amended effective September 1, 2003, and August 14, 2009.*

17
18 **Rule 10.14. Litigation Management Committee**

19
20 (a) **Litigation oversight**

21
22 The Litigation Management Committee oversees litigation and claims against trial
23 court judges, appellate court justices, the Judicial Council, ~~the Administrative~~
24 ~~Office of the Courts~~ its staff, the trial and appellate courts, and the employees of
25 those bodies in which the likely monetary exposure is \$100,000 or more or that
26 raise issues of significance to the judicial branch by:

27
28 (1) * * *

29
30 (2) Consulting with the Administrative Director or ~~General~~ Chief Counsel, on
31 request, regarding important strategy issues.

32
33 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
34 *2003, January 1, 2007, December 9, 2008, and August 14, 2009.)*

35
36 (b) * * *

37
38 (c) **Strategic decisions**

39
40 The committee resolves written objections described in rule 10.202(d) presented by
41 ~~the Office of the General Counsel~~ Legal Services.

42

1 (Subd (c) amended effective January 1, 2016; previously amended effective January 1,
2 2003, January 1, 2007, and August 14, 2009.)

3
4 Rule 10.14 amended effective January 1, 2016; adopted as rule 6.14 effective January 1, 2001;
5 previously amended and renumbered as rule 10.14 effective January 1, 2007; previously
6 amended effective January 1, 2003, December 9, 2008, and August 14, 2009.

7
8 **Rule 10.16. Technology Committee**

9
10 (a) * * *

11
12 (b) **Coordination**

13
14 The committee coordinates the activities of the Administrative Director ~~of the~~
15 ~~Courts~~, council internal committees and advisory committees, the courts, justice
16 partners, and stakeholders on matters relating to court information technology. The
17 committee also, in collaboration or consultation with the Policy Coordination and
18 Liaison Committee, coordinates with other branches of government on information
19 technology issues.

20
21 (Subd (b) amended effective January 1, 2016; previously amended effective September 1,
22 2015.)

23
24 (c)–(i) * * *

25
26 Rule 10.16 amended effective January 1, 2016; adopted effective February 20, 2014; previously
27 amended effective September 1, 2015.

28
29 **Rule 10.20. Proposals for new or amended rules, standards, or forms; rule-making**
30 **process in general**

31
32 (a) * * *

33
34 (b) **Proposals**

35
36 The council will consider proposals that are submitted to it by an internal
37 committee, an advisory committee, a task force, or ~~the Administrative Office of the~~
38 ~~Courts~~ Judicial Council staff, in accordance with rule 10.22 and any policies and
39 procedures established by the Rules and Projects Committee.

40
41 (Subd (b) amended effective January 1, 2016; repealed and adopted effective January 1,
42 2002; previously amended effective January 1, 2007.)

1
2 (c) * * *

3
4 *Rule 10.20 amended effective January 1, 2016; adopted as rule 6.20 effective January 1, 1999;*
5 *previously amended effective January 1, 2002; previously amended and renumbered as rule*
6 *10.20 effective January 1, 2007.*

7
8 **Rule 10.21. Proposals from members of the public for changes to rules, standards,**
9 **or forms**

10
11 (a) **Application**

12
13 This rule applies to proposals for changes to rules, standards, or forms by a member
14 of the public (any person or organization other than a Judicial Council internal
15 committee, advisory committee, or task force, or ~~the Administrative Office of the~~
16 ~~Courts~~ Judicial Council staff).

17
18 *(Subd (a) amended effective January 1, 2016.)*

19
20 (b) **Submission and content of proposals**

21
22 Proposals must be submitted in writing to: Judicial Council of California,
23 Attention: ~~General~~ Chief Counsel. Proposals should include:

24
25 (1)–(8) * * *

26
27 *(Subd (b) amended effective January 1, 2016.)*

28
29 (c) **Advisory committee’s review of proposal**

30
31 The ~~General~~ Chief Counsel must refer each proposal from a member of the public
32 to an appropriate advisory committee for consideration and recommendation, or, if
33 no appropriate advisory committee exists, to the Rules and Projects Committee. ~~An~~
34 ~~Administrative Office of the Courts~~ Judicial Council staff member may
35 independently review the proposal and present an analysis and a recommendation
36 to the committee. The committee may take one of the following actions:

37
38 (1)–(3) * * *

39
40 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
41 *2007.)*
42

1 *Rule 10.21 amended effective January 1, 2016; adopted as rule 6.21 effective January 1, 2002;*
2 *previously amended and renumbered as rule 10.21 effective January 1, 2007.*

3
4 **Rule 10.22. Rule-making procedures**

5
6 **(a) Who may make proposals**

7
8 A Judicial Council internal committee, advisory committee, task force, or ~~the~~
9 ~~Administrative Office of the Courts~~ Judicial Council staff may recommend that the
10 council adopt, amend, or repeal a rule or standard or adopt, approve, revise, or
11 revoke a form.

12
13 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
14 *2007.)*

15
16 **(b) Legal and advisory committee review**

17
18 The internal committee, advisory committee, task force, or ~~Administrative Office~~
19 ~~of the Courts~~ Judicial Council staff (the proponent) must first submit its proposal to
20 ~~the Office of the General Counsel~~ Legal Services for legal and drafting review. If
21 the proponent is not an advisory committee, and an appropriate advisory committee
22 exists, the proponent must also submit the proposal to that advisory committee for
23 review.

24
25 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
26 *2007.)*

27
28 **(c) Recommendation to Rules and Projects Committee**

29
30 After the proposal has been reviewed by ~~the Office of the General Counsel~~ Legal
31 Services and any appropriate advisory committee, the proponent must submit the
32 proposal to the Rules and Projects Committee with a recommendation that it be (1)
33 circulated for public comment or (2) submitted to the council for approval without
34 public comment.

35
36 *(Subd (c) amended effective January 1, 2016.)*

37
38 **(d)–(g) * * ***

39
40 *Rule 10.22 amended effective January 1, 2016; adopted as rule 6.22 effective January 1, 2002;*
41 *previously amended and renumbered as rule 10.22 effective January 1, 2007.*

42

1 **Rule 10.30. Judicial Council advisory bodies**

2
3 (a) * * *

4
5 (b) **Functions**

6
7 The advisory bodies:

8
9 (1)–(2) * * *

10
11 (3) Generally do not implement policy. The council may, however, assign
12 policy-implementation and programmatic responsibilities to an advisory body
13 and may request it make recommendations to the Administrative Office of
14 the Courts Director on implementation of council policy or programs;

15
16 (4) * * *

17
18 (5) Are responsible, through ~~the Administrative Office of the Courts~~ Judicial
19 Council staff, for gathering stakeholder perspectives on policy
20 recommendations they plan to present to the council.

21
22 *(Subd (b) amended effective January 1, 2016; adopted effective August 14, 2009.)*

23
24 (c)–(e) * * *

25
26 (f) **Role of the Administrative Director of the Courts**

27
28 The Administrative Director ~~of the Courts~~ sits as an ex officio member of each
29 advisory body.

30
31 *(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009.)*

32
33 (g) * * *

34
35 *Rule 10.30 amended effective January 1, 2016; adopted as rule 6.30 effective January 1, 1999;*
36 *previously amended and renumbered as rule 10.30 effective January 1, 2007; previously*
37 *amended effective September 1, 2003, August 14, 2009, and February 20, 2014.*

38
39 **Rule 10.34. Duties and responsibilities of advisory committees**

40
41 (a) * * *

42

1 **(b) Annual charges**

2
3 (1) * * *

4
5 (2) Advisory committees have limited discretion to pursue matters in addition to
6 those specified in each committee's annual charge, as long as the matters are
7 consistent with a committee's general charge, within the limits of resources
8 available to the committee, and within any other limits specified by the
9 council, the designated internal committee, or the Administrative Director of
10 ~~the Courts.~~

11
12 *(Subd (b) amended effective January 1, 2016; adopted effective August 14, 2009.)*

13
14 **(c) * * ***

15
16 **(d) Role of the Administrative Director of the Courts**

17
18 (1)-(2) * * *

19
20 *(Subd (d) amended effective January 1, 2016; adopted effective August 14, 2009.)*

21
22 **(e) Role of staff**

23
24 (1) Advisory committees are assisted by ~~the~~ Judicial Council ~~staff of the~~
25 ~~Administrative Office of the Courts.~~ The duties of staff members include
26 drafting committee annual agendas, managing the committee's budget and
27 resources, coordinating committee activities, providing legal and policy
28 analysis to the committee, organizing and drafting reports, selecting and
29 supervising consultants, providing technical assistance, and assisting
30 committee chairs in presenting the committee's recommendations to the
31 Judicial Council. Staff may provide independent legal or policy analysis of
32 issues that is different from the committee's position, if authorized to do so
33 by the Administrative Director ~~of the Courts.~~

34
35 (2) Staff report to the Administrative Director ~~of the Courts.~~ The decisions or
36 instructions of an advisory body or its chair are not binding on the staff
37 except in instances when the council or the Administrative Director has
38 specifically authorized such exercise of authority.

39
40 *(Subd (e) amended effective January 1, 2016; adopted effective August 14, 2009.)*

41
42 **(f) Review of annual agendas**

43

1 (1)–(2) * * *

2
3 (3) To pursue matters in addition to those specified in its annual charge, an
4 advisory committee must have the approval of the internal committee with
5 oversight responsibility for the advisory committee. The matters must be
6 consistent with the advisory committee’s general charge, as set forth in the
7 rules of court, its approved annual agenda, and the council’s long-range
8 strategic plan. The additional matters must also be within the committee’s
9 authorized budget and available resources, as specified by the council or the
10 Administrative Director ~~of the Courts~~.

11
12 *(Subd (f) amended effective January 1, 2016; adopted effective August 14, 2009;*
13 *previously amended effective February 20, 2014.)*

14
15 *Rule 10.34 amended effective January 1, 2016; adopted as rule 6.34 effective January 1, 1999;*
16 *previously amended and renumbered as rule 10.34 effective January 1, 2007; previously*
17 *amended effective January 1, 2002, September 1, 2003, August 14, 2009, and February 20, 2014.*

18
19 **Rule 10.46. Trial Court Presiding Judges Advisory Committee**

20
21 **(a)** * * *

22
23 **(b) Additional duties**

24
25 In addition to the duties specified in rule 10.34, the committee may:

26
27 (1) * * *

28
29 (2) Respond and provide input to the Judicial Council, appropriate advisory
30 committees, or ~~the Administrative Office of the Courts~~ Judicial Council staff
31 on pending policy proposals and offer new recommendations on policy
32 initiatives in the areas of legislation, rules, forms, standards, studies, and
33 recommendations concerning court administration; and

34
35 (3) Provide for liaison between the trial courts and the Judicial Council, its
36 advisory committees, task forces, and working groups, and ~~the~~
37 ~~Administrative Office of the Courts~~ Judicial Council staff.

38
39 *(Subd (b) amended effective January 1, 2016; previously amended effective September 1,*
40 *2000, April 18, 2003, and January 1, 2007.)*

41
42 **(c)–(f)** * * *

43

1 *Rule 10.46 amended effective January 1, 2016; adopted as rule 6.46 effective January 1, 1999;*
2 *previously amended and renumbered as rule 10.46 effective January 1, 2007; previously*
3 *amended effective September 1, 2000, April 18, 2003, and July 1, 2013.*

4
5 **Rule 10.48. Court Executives Advisory Committee**

6
7 (a) * * *

8
9 (b) **Additional duties**

10
11 In addition to the duties specified in rule 10.34, the committee must:

12
13 (1)–(4) * * *

14
15 (5) Meet periodically with the ~~Administrative Office of the Courts~~ Judicial
16 Council's executive team to enhance branch communications.

17
18 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
19 *2004, January 1, 2007, and February 20, 2014.)*

20
21 (c)–(g) * * *

22
23 *Rule 10.48 amended effective January 1, 2016; adopted as rule 6.48 effective January 1, 1999;*
24 *previously amended and renumbered as rule 10.48 effective January 1, 2007; previously*
25 *amended effective January 1, 2004, January 1, 2008, and February 20, 2014.*

26
27 **Rule 10.50. Governing Committee of the Center for Judicial Education and**
28 **Research**

29
30 (a) **Establishment and purpose**

31
32 In 1973, the Judicial Council of California and the California Judges Association
33 created the Center for Judicial Education and Research (CJER), ~~which~~
34 ~~subsequently became the Education Division of the Administrative Office of the~~
35 ~~Courts~~. The Governing Committee of CJER was made an advisory committee to
36 the council in 1993 through the adoption of former rule 1029. In 2001, the rule that
37 specifies the CJER Governing Committee's duties was made consistent with the
38 rules pertaining to other Judicial Council advisory committees, but it continues to
39 acknowledge the historic participation of the California Judges Association.

40
41 *(Subd (a) amended effective January 1, 2016; adopted effective December 18, 2001;*
42 *previously amended effective January 1, 2007.)*

43

1 (b)–(f) * * *

2
3 *Rule 10.50 amended effective January 1, 2016; adopted as rule 6.50 effective January 1, 1999;*
4 *previously amended and renumbered as rule 10.50 effective January 1, 2007; previously*
5 *amended effective December 18, 2001, and January 1, 2015.*

6
7 **Rule 10.51. Court Interpreters Advisory Panel**

8
9 (a) * * *

10
11 (b) **Additional duty**

12
13 The advisory panel is charged with reviewing and making recommendations to the
14 council on the findings of the study of language and interpreter use and need for
15 interpreters in court proceedings that is conducted by the ~~Administrative Office of~~
16 ~~the Courts~~ Judicial Council every five years under Government Code section
17 68563.

18
19 *(Subd (b) amended effective January 1, 2016; previously amended effective October 1,*
20 *2004.)*

21
22 (c)–(d) * * *

23
24 *Rule 10.51 amended effective January 1, 2016; adopted as rule 6.51 effective January 1, 1999;*
25 *previously amended effective July 1, 1999, and October 1, 2004; previously renumbered as rule*
26 *10.51 effective January 1, 2007.*

27
28 **Rule 10.52. Administrative Presiding Justices Advisory Committee**

29
30 (a) * * *

31
32 (b) **Additional duties**

33
34 In addition to the duties described in rule 10.34, the committee must:

35
36 (1)–(3) * * *

37
38 (4) Comment on and make recommendations to the council about appellate court
39 operations, including:

40
41 (A) Initiatives to be pursued by the council or the ~~Administrative Office of~~
42 ~~the Courts~~ its staff; and

43

1 (B) * * *

2

3 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
4 *2007.)*

5

6 (c) * * *

7

8 (d) **Funding**

9

10 Each year, the committee must recommend budget change proposals to be
11 submitted to the Chief Justice for legislative funding to operate the appellate courts.
12 These proposals must be consistent with the budget management guidelines of the
13 Judicial Council’s Finance Division office of the Administrative Office of the
14 Courts.

15

16 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
17 *2007.)*

18

19 (e) * * *

20

21 (f) **Administrative Director of the Courts**

22

23 * * *

24

25 *(Subd (f) amended effective January 1, 2016; previously amended effective January 1,*
26 *2007.)*

27

28 *Rule 10.52 amended effective January 1, 2016; adopted as rule 6.52 effective January 1, 1999;*
29 *previously amended and renumbered as rule 10.52 effective January 1, 2007.*

30

31 **Rule 10.56. Collaborative Justice Courts Advisory Committee**

32

33 (a) * * *

34

35 (b) **Additional duties**

36

37 In addition to the duties described in rule 10.34, the committee must:

38

39 (1)–(4) * * *

40

1 (5) Make recommendations regarding grant funding programs that are
2 administered by ~~the Administrative Office of the Courts~~ Judicial Council
3 staff for drug courts and other treatment courts; and
4

5 (6) * * *

6
7 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
8 *2007.)*

9
10 (c) * * *

11
12 *Rule 10.56 amended effective January 1, 2016; adopted as rule 6.56 effective January 1, 2000;*
13 *previously amended effective January 1, 2002; previously amended and renumbered as rule*
14 *10.56 effective January 1, 2007.*

15
16 **Rule 10.102. Acceptance of gifts**

17
18 (a) **Administrative Director's ~~of the Courts~~ authority to accept gifts**

19
20 The Administrative Director ~~of the Courts~~ may accept on behalf of any entity listed
21 in (b) any gift of real or personal property if the gift and any terms and conditions
22 are found to be in the best interest of the state. Any applicable standards used by
23 the Director of Finance under Government Code section 11005.1 may be
24 considered in accepting gifts.

25
26 *(Subd (a) amended effective January 1, 2016; adopted as unlettered subd; previously*
27 *amended and lettered as subd (a) effective January 1, 2004; previously amended effective*
28 *January 1, 2007.)*

29
30 (b) **Delegation of authority**

31
32 The Administrative Director may delegate the authority to accept gifts to the
33 following, under any guidelines established by the Administrative ~~Office of the~~
34 ~~Courts~~ Director:

35
36 (1)–(3) * * *

37
38 (4) The Judicial Council's director of ~~the Finance Division of the Administrative~~
39 ~~Office of the Courts~~, for gifts to the Judicial Council ~~and the Administrative~~
40 ~~Office of the Courts~~.

41
42 *(Subd (b) amended effective January 1, 2016; adopted effective January 1, 2004;*
43 *previously amended effective January 1, 2007.)*

1
2 *Rule 10.102 amended effective January 1, 2016; adopted as rule 989.7 effective September 13,*
3 *1991; previously amended and renumbered as rule 6.102 effective January 1, 2004, and as rule*
4 *10.102 effective January 1, 2007.*

5
6 **Rule 10.103. Limitation on intrabranch contracting**

7
8 **(a) Definitions**

9
10 For purposes of this rule, “judicial branch entity” includes a trial court, a Court of
11 Appeal, the Supreme Court, and the ~~Administrative Office of the Courts~~ Judicial
12 Council.

13
14 *(Subd (a) amended effective January 1, 2016.)*

15
16 **(b)–(d) * * ***

17
18 *Rule 10.103 amended effective January 1, 2016; adopted as rule 6.103 effective January 1, 2004;*
19 *previously amended and renumbered as rule 10.103 effective January 1, 2007.*

20
21 **Rule 10.104. Limitation on contracting with former employees**

22
23 **(a) Trial and appellate court contracts with former employees**

24
25 A trial or appellate court may not enter into a contract for goods or services for
26 which compensation is paid with a person previously employed by that court or by
27 the ~~Administrative Office of the Courts~~ Judicial Council:

28
29 (1) * * *

30
31 (2) For a period of 24 months following the date of the former employee’s
32 retirement, dismissal, or separation from service, if he or she engaged in any
33 of the negotiations, transactions, planning, arrangements, or any part of the
34 decision-making process relevant to the contract while employed in any
35 capacity by the court or the ~~Administrative Office of the Courts~~ Judicial
36 Council.

37
38 *(Subd (a) amended effective January 1, 2016.)*

39
40 **(b) ~~Administrative Office of the Courts~~ Judicial Council contracts with former**
41 **employees**

42

1 The ~~Administrative Office of the Courts~~ Judicial Council may not enter into a
2 contract for goods or services for which compensation is paid with a person
3 previously employed by it:
4

5 (1) For a period of 12 months following the date of the former employee's
6 retirement, dismissal, or separation from service, if he or she was employed
7 in a policymaking position at the ~~Administrative Office of the Courts~~ Judicial
8 Council in the same general subject area as the proposed contract within the
9 12-month period before his or her retirement, dismissal, or separation; or
10

11 (2) For a period of 24 months following the date of the former employee's
12 retirement, dismissal, or separation from service, if he or she engaged in any
13 of the negotiations, transactions, planning, arrangements, or any part of the
14 decision-making process relevant to the contract while employed in any
15 capacity by the ~~Administrative Office of the Courts~~ Judicial Council.
16

17 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
18 *2007.)*
19

20 **(c) Policymaking position**

21 "Policymaking position" includes:
22

23 (1)-(2) * * *
24

25
26 (3) In the ~~Administrative Office of the Courts~~ Judicial Council, the
27 ~~Administrative Director of the Courts, the Chief Deputy Director, Chief of~~
28 ~~Staff, Chief Operating Officer, Chief Administrative Officer,~~ any director,
29 and any other position designated by the Administrative Director as a
30 policymaking position.
31

32 *(Subd (c) amended effective January 1, 2016.)*
33

34 **(d) Scope**

35
36 This rule does not prohibit any court or the ~~Administrative Office of the Courts~~
37 Judicial Council from (1) employing any person or (2) contracting with any former
38 judge or justice.
39

40 *(Subd (d) amended effective January 1, 2016.)*
41

42 *Rule 10.104 amended effective January 1, 2016; adopted as rule 6.104 effective January 1, 2004;*
43 *previously amended and renumbered as rule 10.104 effective January 1, 2007.*

1
2 **Rule 10.105. Allocation of new fee, fine, and forfeiture revenue**

3
4 (a) * * *

5
6 (b) **Methodology**

7
8 The ~~Administrative Office of the Courts~~ Judicial Council staff must recommend a
9 methodology for the allocation and must recommend an allocation based on this
10 methodology. On approval of a methodology by the Judicial Council, ~~the~~
11 ~~Administrative Office of the Courts~~ Judicial Council staff must issue a Finance
12 Memo stating the methodology adopted by the Judicial Council.

13
14 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
15 *2007.)*

16
17 *Rule 10.105 amended effective January 1, 2016; adopted as rule 6.105 effective December 10,*
18 *2004; previously amended and renumbered as rule 10.105 effective January 1, 2007.*

19
20 **Rule 10.106. Judicial branch travel expense reimbursement policy**

21
22 (a) * * *

23
24 (b) **Applicability**

25
26 The judicial branch travel expense reimbursement policy applies to official state
27 business travel by:

28
29 (1) * * *

30
31 (2) Officers, employees, retired annuitants, and members of the Supreme Court,
32 the Courts of Appeal, superior courts, the Judicial Council and its staff, ~~the~~
33 ~~Administrative Office of the Courts~~, the Habeas Corpus Resource Center, and
34 the Commission on Judicial Performance; and

35
36 (3) Members of task forces, working groups, commissions, or similar bodies
37 appointed by the Chief Justice, the Judicial Council, or the Administrative
38 Director ~~of the Courts~~.

39
40 *(Subd (b) amended effective January 1, 2016.)*

41
42 (c) **Amendments**

43

1 The Judicial Council delegates to the Administrative Director of the Courts, under
2 article VI, section 6(c) of the California Constitution and other applicable law, the
3 authority to make technical changes and clarifications to the judicial branch travel
4 expense reimbursement policy. The changes and clarifications must be fiscally
5 responsible, provide for appropriate accountability, and be in general compliance
6 with the policy initially adopted by the Judicial Council.

7
8 *(Subd (c) amended effective January 1, 2016.)*

9
10 *Rule 10.106 amended effective January 1, 2016; adopted effective July 1, 2008.*

11
12 **Rule 10.172. Court security plans**

13
14 **(a)–(c) * * ***

15
16 **(d) Submission of court a plan to the ~~Administrative Office of the Courts~~ Judicial**
17 **Council**

18
19 On or before November 1, 2009, each superior court must submit a court security
20 plan to the ~~Administrative Office of the Courts (AOC)~~ Judicial Council. On or
21 before February 1, 2011, and each succeeding February 1, each superior court must
22 ~~report~~ give notice to the ~~AOC~~ Judicial Council whether it has made any changes to
23 the court security plan and, if so, identify each change made and provide copies of
24 the current court security plan and current assessment report. In preparing any
25 submission, a court may request technical assistance from ~~the AOC~~ Judicial
26 Council staff.

27
28 *(Subd (d) amended effective January 1, 2016.)*

29
30 **(e) Plan review process**

31
32 ~~The AOC~~ Judicial Council staff will evaluate for completeness submissions
33 identified in (d). Annually, the submissions and evaluations will be provided to the
34 ~~Working Group on Court Security~~ Advisory Committee. Any submissions
35 determined by the ~~working group~~ advisory committee to be incomplete or deficient
36 must be returned to the submitting court for correction and completion. ~~No later~~
37 ~~than July 1~~ of each year, the ~~working group~~ must submit to the Judicial Council a
38 ~~summary of the submissions for the Judicial Council's report to the Legislature.~~

39
40 *(Subd (e) amended effective January 1, 2016.)*

41
42 **(f) * * ***

43

1 *Rule 10.172 amended effective January 1, 2016; adopted effective January 1, 2009.*

2
3 **Advisory Committee Comment**
4

5 This rule is adopted to comply with the mandate in Government Code section 69925, which
6 requires the Judicial Council to provide for the areas to be addressed in a court security plan and
7 to establish a process for the review of such plans. ~~The Working Group on Court Security is~~
8 ~~authorized by Government Code section 69927 and established by rule 10.170 for the purpose of~~
9 ~~studying and making recommendation to the Judicial Council regarding court security matters.~~
10 ~~For the assistance of the courts and sheriffs in preparing and submitting their court security plans,~~
11 ~~the Working Group on Court Security has prepared *Court Security Plan Guidelines* with respect~~
12 ~~to each of the subject areas identified in subsections (b)(1) and (b)(2). The courts and sheriffs~~
13 ~~may obtain copies of the *Court Security Plan Guidelines* from the Administrative Office of the~~
14 ~~Courts' Emergency Response and Security unit.~~

15
16 **Rule 10.180. Court facilities standards**

17
18 **(a) Development of standards**

19
20 ~~The Administrative Office of the Courts~~ Judicial Council staff is responsible for
21 developing and maintaining standards for the alteration, remodeling, renovation,
22 and expansion of existing court facilities and for the construction of new court
23 facilities.

24
25 *(Subd (a) amended effective January 1, 2016; previously amended effective April 21,*
26 *2006.)*

27
28 **(b) Adoption by the Judicial Council**

29
30 The standards developed by ~~the Administrative Office of the Courts~~ Judicial
31 Council staff must be submitted to the Judicial Council for review and adoption as
32 the standards to be used for court facilities in the state. Nonsubstantive changes to
33 the standards may be made by the ~~Administrative Office of the Courts~~ Judicial
34 Council staff; substantive changes must be submitted to the Judicial Council for
35 review and adoption.

36
37 *(Subd (b) amended effective January 1, 2016; previously amended effective April 21,*
38 *2006.)*

39
40 **(c) Use of standards**

41
42 The Judicial Council and its staff, ~~the Administrative Office of the Courts~~, affected
43 courts, and advisory groups on court facilities issues created under these rules must

1 use the standards adopted under (b) in reviewing or recommending proposed
2 alteration, remodeling, renovation, or expansion of an existing court facility or new
3 construction. Courts and advisory groups must report deviations from the standards
4 to ~~the Administrative Office of the Courts~~ Judicial Council staff through a process
5 established for that purpose.

6
7 *(Subd (c) amended effective January 1, 2016; previously amended effective June 23, 2004,*
8 *and April 21, 2006.)*

9
10 *Rule 10.180 amended effective January 1, 2016; adopted as rule 6.150 effective July 1, 2002;*
11 *previously amended effective June 23, 2004, and April 21, 2006; previously renumbered as rule*
12 *10.180 effective January 1, 2007.*

13
14 **Rule 10.181. Court facilities policies, procedures, and standards**

15
16 **(a) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
17 **staff**

18
19 ~~The Administrative Office of the Courts~~ Judicial Council staff, after consultation
20 with the Court Facilities Transitional Task Force, must prepare and present to the
21 Judicial Council recommendations for policies, procedures, and standards
22 concerning the operation, maintenance, alteration, remodeling, renovation,
23 expansion, acquisition, space programming, design, and construction of appellate
24 and trial court facilities under Government Code sections 69204(c) and 70391(e).

25
26 *(Subd (a) amended effective January 1, 2016; adopted as part of unlettered subd;*
27 *previously amended and lettered as subd (a) effective January 1, 2007.)*

28
29 **(b) * * ***

30
31 *Rule 10.181 amended effective January 1, 2016; adopted as rule 6.180 effective June 23, 2004;*
32 *previously amended effective April 21, 2006; previously amended and renumbered as rule 10.181*
33 *effective January 1, 2007.*

34
35 **Rule 10.182. Operation and maintenance of court facilities**

36
37 **(a) Intent**

38
39 The intent of this rule is to allocate responsibility and decision making for the
40 operation and maintenance of court facilities among the courts and ~~the~~
41 ~~Administrative Office of the Courts~~ Judicial Council staff.

42
43 *(Subd (a) amended effective January 1, 2016.)*

1
2 **(b) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
3 **staff**
4

5 (1) In addition to those matters expressly authorized by statute, ~~the~~
6 ~~Administrative Office of the Courts~~ Judicial Council staff are responsible
7 for:
8

9 (A) Taking action on the operation of court facilities, including the day-to-
10 day operation of a building and maintenance of a facility. ~~The~~
11 ~~Administrative Office of the Courts~~ Judicial Council staff must, in
12 cooperation with the court, perform its responsibilities concerning
13 operation of the court facility to effectively and efficiently support the
14 day-to-day operation of the court system and services of the court.
15 These actions include maintaining proper heating, ventilation, and air
16 conditioning levels; providing functional electrical, fire safety, vertical
17 transportation, mechanical, and plumbing systems through preventive
18 maintenance and responsive repairs; and maintaining structural,
19 nonstructural, security, and telecommunications infrastructures.
20

21 (B)–(C) * * *

22
23 (2) ~~The Administrative Office of the Courts~~ Judicial Council staff must consult
24 with affected courts concerning the annual operations and maintenance needs
25 assessment, development of annual priorities, and fiscal planning for the
26 operational and maintenance needs of court facilities.
27

28 (3) ~~The Administrative Office of the Courts~~ Judicial Council staff may, when
29 appropriate, delegate its responsibilities for ongoing operation and
30 management to the court for some or all of the existing court facilities used
31 by that court. Any delegation of responsibility must ensure that:
32

33 (A)–(D) * * *

34
35 (4) ~~The Administrative Office of the Courts~~ Judicial Council staff must,
36 whenever feasible, seek review and recommendations from the Court
37 Facilities Transitional Task Force, before recommending action on appellate
38 and trial court facilities issues to the Judicial Council.
39

40 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
41 *2007.)*
42

1 (c) **Responsibilities of the courts**

2
3 (1) The affected courts must consult with ~~the Administrative Office of the Courts~~
4 Judicial Council staff concerning the annual operations and maintenance
5 needs assessment, development of annual priorities, and fiscal planning for
6 the operational and maintenance needs of court facilities, including
7 contingency planning for unforeseen facility maintenance needs.
8

9 (2) Each court to which responsibility is delegated under (b)(3) must report to ~~the~~
10 ~~Administrative Office of the Courts~~ Judicial Council staff quarterly or more
11 often, as provided in the delegation. The report must include the activities
12 and expenditures related to the delegation that are specified for reporting in
13 the delegation. Each court must also account to ~~The Administrative Office of~~
14 ~~the Courts~~ Judicial Council staff for all expenditures related to the delegation.
15 ~~The Administrative Office of the Courts~~ Judicial Council staff may conduct
16 an internal audit of any receipts and expenditures.
17

18 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
19 *2007.)*
20

21 *Rule 10.182 amended effective January 1, 2016; adopted as rule 6.181 effective June 23, 2004;*
22 *previously amended and renumbered as rule 10.182 effective January 1, 2007.*
23

24 **Rule 10.183. Decision making on transfer of responsibility for trial court facilities**

25
26 (a) **Intent**

27
28 The intent of this rule is to allocate among the Judicial Council, the trial courts, and
29 ~~the Administrative Office of the Courts~~ Judicial Council staff, responsibility and
30 decision making for the transfer of responsibility for trial court facilities from the
31 counties to the Judicial Council.
32

33 *(Subd (a) amended effective January 1, 2016.)*
34

35 (b)–(c) * * *

36
37 (d) **Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
38 **staff**

39
40 ~~The Administrative Office of the Courts~~ Judicial Council staff are responsible for
41 the following matters related to transfer of responsibility for court facilities, in
42 addition to matters expressly authorized by statute:
43

1 (1)–(4) * * *

2

3 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
4 *2007.)*

5

6 **(e) Appeal of county facilities payment amount**

7

8 The Administrative Director ~~of the Courts~~ must obtain the approval of the
9 Executive and Planning Committee before pursuing correction of a county facilities
10 payment amount under Government Code section 70367. This provision does not
11 preclude the Administrative Director ~~of the Courts~~ from submitting a declaration as
12 required by Government Code section 70367(a). The Administrative Director ~~of the~~
13 ~~Courts~~ must report to the Executive and Planning Committee any decision not to
14 appeal a county facilities payment amount.

15

16 *(Subd (e) amended effective January 1, 2016.)*

17

18 *Rule 10.183 amended effective January 1, 2016; adopted as rule 6.182 effective June 23, 2004;*
19 *previously amended and renumbered as rule 10.183 effective January 1, 2007.*

20

21 **Rule 10.184. Acquisition, space programming, construction, and design of court**
22 **facilities**

23

24 **(a) Intent**

25

26 The intent of this rule is to allocate responsibility and decision making for
27 acquisition, space programming, construction, and design of court facilities among
28 the courts, ~~and the Administrative Office of the Courts~~ Judicial Council, and its
29 staff.

30

31 *(Subd (a) amended effective January 1, 2016.)*

32

33 **(b) Responsibilities of ~~the Administrative Office of the Courts~~ Judicial Council**
34 **staff**

35

36 (1) In addition to those matters expressly provided by statute, ~~the Administrative~~
37 ~~Office of the Courts~~ Judicial Council staff are responsible for the
38 acquisition, space programming, construction, and design of a court facility,
39 consistent with the facilities policies and procedures adopted by the Judicial
40 Council and the California Rules of Court.

41

42 (2) ~~The Administrative Office of the Courts~~ Judicial Council staff must prepare
43 and submit to the Judicial Council separate annual capital outlay proposals

1 for the appellate courts and the trial courts, as part of the yearly judicial
2 branch budget development cycle, specifying the amounts to be spent for
3 these purposes. The capital outlay proposal for the trial courts must specify
4 the money that is proposed to be spent from the State Court Facilities
5 Construction Fund and from other sources. The annual capital outlay
6 proposals must be consistent with the Five-Year Capital Infrastructure Plan
7 or must recommend appropriate changes in the Five-Year Capital
8 Infrastructure Plan. ~~The Administrative Office of the Courts~~ Judicial Council
9 staff must, whenever feasible, seek review and recommendations from the
10 Court Facilities Transitional Task Force before recommending action to the
11 Judicial Council on these issues.

- 12
13 (3) ~~The Administrative Office of the Courts~~ Judicial Council staff must consult
14 with the affected courts concerning the annual capital needs of the courts.

15
16 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
17 *2007.)*

18
19 **(c) Responsibilities of the courts**

- 20
21 (1) Affected courts must consult with ~~the Administrative Office of the Courts~~
22 Judicial Council staff concerning the courts' annual capital needs.

- 23
24 (2) * * *

25
26 *(Subd (c) amended effective January 1, 2016.)*

27
28 **(d) Advisory group for construction projects**

29
30 ~~The Administrative Office of the Courts~~ Judicial Council staff, in consultation with
31 the leadership of the affected court, must establish and work with an advisory
32 group for each court construction or major renovation project. The advisory group
33 consists of court judicial officers, other court personnel, and others affected by the
34 court facility. The advisory group must work with ~~the Administrative Office of the~~
35 ~~Courts~~ Judicial Council staff on issues involved in the construction or renovation,
36 from the selection of a space programmer and architect through occupancy of the
37 facility.

38
39 *(Subd (d) amended effective January 1, 2016.)*

40
41 *Rule 10.184 amended effective January 1, 2016; adopted as rule 6.183 effective June 23, 2004;*
42 *previously amended and renumbered as rule 10.184 effective January 1, 2007.*

1 **Rule 10.201. Claim and litigation procedure**

2
3 **(a) Definitions**

4
5 As used in this chapter:

6
7 (1)–(2) * * *

8
9 (3) “~~Office of the General Counsel Legal Services~~” means the ~~Office of the~~
10 ~~General Counsel of the Administrative Office of the Courts~~ Judicial
11 Council’s Legal Services office; and

12
13 (4) * * *

14
15 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
16 *2007.)*

17
18 **(b) Procedure for action on claims**

19
20 To carry out the Judicial Council’s responsibility under Government Code section
21 912.7 to act on a claim, claim amendment, or application for leave to present a late
22 claim against a judicial branch entity or a judge, ~~the Office of the General Counsel~~
23 Legal Services, under the direction of the Administrative Director ~~of the Courts~~,
24 must:

25
26 (1)–(2) * * *

27
28 (3) If determined by ~~the Office of the General Counsel~~ Legal Services to be
29 appropriate, refer a claim or claim amendment for further investigation to a
30 claims adjuster or other investigator under contract with the ~~Administrative~~
31 ~~Office of the Courts~~ Judicial Council;

32
33 (4) * * *

34
35 (5) Allow a claim in the amount justly due as determined by ~~the Office of the~~
36 ~~General Counsel~~ Legal Services if it is a proper charge against the judicial
37 branch entity and the amount is less than \$100,000; and

38
39 (6) * * *

40
41 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
42 *2007 and December 9, 2008.)*

1
2 **(c) Allowance and payment of claims**

3
4 The following may allow and authorize payment of any claim arising out of the
5 activities of a judicial branch entity or judge:

6
7 (1) ~~The Office of the General Counsel~~ Legal Services, under the direction of the
8 Administrative Director ~~of the Courts~~, if the payment is less than \$100,000;
9 or

10
11 (2) * * *

12
13 *(Subd (c) amended effective January 1, 2016; previously amended effective December 9,*
14 *2008.)*

15
16 **(d) Settlement of lawsuits and payment of judgments**

17
18 The following may settle lawsuits, after consultation with the affected entity and
19 any judge or employee being defended by the Judicial Council, and authorize
20 payment of judgments arising out of the activities of a judicial branch entity or
21 judge:

22
23 (1) ~~The Office of the General Counsel~~ Legal Services, under the direction of the
24 Administrative Director ~~of the Courts~~, if the payment is less than \$100,000
25 and the lawsuit does not raise issues of significance to the judicial branch; or

26
27 (2) * * *

28
29 *(Subd (d) amended effective January 1, 2016; previously amended effective December 9,*
30 *2008.)*

31
32 *Rule 10.201 amended effective January 1, 2016; adopted as rule 6.201 effective January 1, 2003;*
33 *previously amended and renumbered as rule 10.201 effective January 1, 2007; previously*
34 *amended effective December 9, 2008.*

35
36 **Rule 10.202. Claims and litigation management**

37
38 **(a)** * * *

39
40 **(b) Duties of ~~the Office of the General Counsel~~ Legal Services**

41
42 To carry out the duty of the Judicial Council to provide for the representation,
43 defense, and indemnification of justices of the Courts of Appeal or the Supreme

1 Court, judges, subordinate judicial officers, court executive officers and
2 administrators, and trial and appellate court employees under part 1 (commencing
3 with section 810) to part 7 (commencing with section 995), inclusive, of the
4 Government Code, ~~the Office of the General Counsel~~ Legal Services, under the
5 direction of the Administrative Director ~~of the Courts~~ and the General Chief
6 Counsel, must:

7
8 (1)–(8) * * *

9
10 *(Subd (b) amended effective January 1, 2016; previously amended effective July 1, 2002,*
11 *January 1, 2003; January 1, 2007, and December 9, 2008.)*

12
13 **(c) Duties of trial and appellate courts**

14
15 The trial and appellate courts must:

16
17 (1) Notify ~~the Office of the General Counsel~~ Legal Services promptly on receipt
18 of notice of a dispute that is likely to result in a claim or lawsuit, or of a claim
19 or lawsuit filed, against the court, a justice, a judge or subordinate judicial
20 officer, a court executive officer or administrator, or a court employee, and
21 forward the claim and lawsuit to ~~the Office of the General Counsel~~ Legal
22 Services for handling; and

23
24 (2) Consult with ~~the Office of the General Counsel~~ Legal Services regarding
25 strategic and settlement decisions in claims and lawsuits.

26
27 *(Subd (c) amended effective January 1, 2016; previously amended effective July 1, 2002,*
28 *January 1, 2003, and January 1, 2007.)*

29
30 **(d) Disagreements about major strategic decisions**

31
32 Following consultation with ~~the Office of the General Counsel~~ Legal Services, a
33 presiding judge or administrative presiding justice may object to a proposed
34 decision of ~~the Office of the General Counsel~~ Legal Services about major strategic
35 decisions, such as retention of counsel and proposed settlements, by presenting to
36 ~~the Office of the General Counsel~~ Legal Services a written statement of the
37 objection. ~~The Office of the General Counsel~~ Legal Services must present the
38 written objection to the Litigation Management Committee, which will resolve the
39 objection.

40
41 *(Subd (d) amended effective January 1, 2016; adopted effective January 1, 2003;*
42 *previously amended effective January 1, 2007.)*

43

1 *Rule 10.202 amended effective January 1, 2016; adopted as rule 6.800 effective January 1, 2001;*
2 *previously renumbered as rule 6.202 effective January 1, 2003; previously amended and*
3 *renumbered as rule 10.202 effective January 1, 2007; previously amended effective July 1, 2002,*
4 *and December 9, 2008.*

5
6 **Rule 10.203. Contractual indemnification**

7
8 **(a) Intent**

9
10 The intent of this rule is to facilitate the use of contractual indemnities that allocate
11 legal risk and liability to parties that contract with a superior court or Court of
12 Appeal, the Supreme Court, or the Judicial Council, ~~or the Administrative Office of~~
13 ~~the Courts~~ (a “judicial branch entity” as defined in Gov. Code, § 900.3).

14
15 *(Subd (a) amended effective January 1, 2016.)*

16
17 **(b) Defense and indemnification provisions**

18
19 Notwithstanding rule 10.14, 10.201, or 10.202, a judicial branch entity may enter
20 into a contract that requires the contractor or the contractor’s insurer to indemnify,
21 defend, and hold harmless the entity and its officers, agents, and employees against
22 claims, demands, liability, damages, attorney fees, costs, expenses, or losses arising
23 from the performance of the contract. Upon receipt of notice of a claim or lawsuit
24 that may be subject to contractual indemnities, the judicial branch entity must
25 notify ~~the Office of the General Counsel~~ Legal Services, which will manage the
26 claim or lawsuit to obtain the benefits of the contractual indemnities to the extent
27 consistent with the interests of the public and the judicial branch.

28
29 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
30 *2007.)*

31
32 *Rule 10.203 amended effective January 1, 2016; adopted as rule 6.203 effective October 15,*
33 *2003; previously amended and renumbered as rule 10.203 effective January 1, 2007.*

34
35 **Rule 10.350. Workers’ compensation program**

36
37 **(a) Intent**

38
39 The intent of this rule is to:

- 40
41 (1) Establish procedures for the ~~Administrative Office of the Courts~~ Judicial
42 Council’s workers’ compensation program for the trial courts; and

43

1 (2) * * *

2

3 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
4 *2007.)*

5

6 **(b) Duties of the ~~Administrative Office of the Courts~~ Judicial Council staff**

7

8 To carry out the duty of the Judicial Council to establish a workers' compensation
9 program for the trial courts, ~~the Administrative Office of the Courts~~ the council's
10 Human Resources ~~Division~~ office must:

11

12 (1)-(4) * * *

13

14 (5) Make personnel available by telephone to consult with trial courts regarding
15 the cost and benefits of the plan being offered by the ~~Administrative Office of~~
16 ~~the Courts~~ Judicial Council; and

17

18 (6) * * *

19

20 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
21 *2007.)*

22

23 **(c) Duties of the trial courts**

24

25 (1) Each trial court that elects to participate in the program made available
26 through the ~~Administrative Office of the Courts~~ Judicial Council must:

27

28 (A) Timely notify the Human Resources ~~Division~~ office of its decision to
29 participate in the workers' compensation program being offered
30 through the ~~Administrative Office of the Courts~~ Judicial Council;

31

32 (B) Timely complete and return necessary paperwork to the Human
33 Resources ~~Division~~ office; and

34

35 (C) * * *

36

37 (2) Each trial court that elects not to participate in the workers' compensation
38 program available through the ~~Administrative Office of the Courts~~ Judicial
39 Council must:

40

41 (A) * * *

42

1 (B) Timely submit to the Human Resources ~~Division~~ office for its approval
2 the information necessary to evaluate the workers' compensation
3 program identified by the trial court to provide benefits for its
4 employees; and
5

6 (C) * * *

7
8 (Subd (c) amended effective January 1, 2016; previously amended effective January 1,
9 2007.)

10
11 Rule 10.350 amended effective January 1, 2016; adopted as rule 6.302 effective January 1, 2005;
12 previously amended and renumbered as rule 10.350 effective January 1, 2007.

13
14 **Rule 10.452. Minimum education requirements, expectations, and**
15 **recommendations**

16
17 (a)–(c) * * *

18
19 (d) **Responsibilities of Chief Justice and administrative presiding justices**

20
21 The Chief Justice and each administrative presiding justice:

22
23 (1)–(2) * * *

24
25 (3) In addition to the educational leave required under (d)(1)–(2), should grant
26 leave to a justice, clerk/administrator, or managing attorney to serve on
27 education committees and as a faculty member at education programs when
28 the individual's services have been requested for these purposes by ~~the~~
29 ~~Administrative Office of the Courts~~ Judicial Council staff, the California
30 Judges Association, or the court. If a court's calendar would not be adversely
31 affected, the court should grant additional leave for a justice, the
32 clerk/administrator, or the managing attorney to serve on an educational
33 committee or as a faculty member for judicial branch education;

34
35 (4) * * *

36
37 (5) Must ensure that justices, the clerk/administrator, and the managing attorney
38 are reimbursed by their court in accordance with the travel policies issued by
39 the ~~Administrative Office of the Courts~~ Judicial Council for travel expenses
40 incurred in attending in-state education programs as a participant, except to
41 the extent that: (i) certain expenses are covered by the ~~Administrative Office~~
42 ~~of the Courts~~ Judicial Council; or (ii) the education provider or sponsor of the

1 program pays the expenses. Provisions for these expenses must be part of
2 every court's budget. The Chief Justice or the administrative presiding justice
3 may approve reimbursement of travel expenses incurred by justices, the
4 clerk/administrator, and the managing attorney in attending out-of-state
5 education programs as a participant; and
6

- 7 (6) Must retain the records and cumulative histories of participation provided by
8 justices. These records and cumulative histories are subject to periodic audit
9 by ~~the Administrative Office of the Courts~~ Judicial Council staff. The Chief
10 Justice and the administrative presiding justice must report the data from the
11 records and cumulative histories on an aggregate basis to the Judicial
12 Council, on a form provided by the Judicial Council, within six months after
13 the end of each three-year period.
14

15 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
16 *2008.)*
17

18 **(e) Responsibilities of presiding judges**
19

20 Each presiding judge:
21

22 (1)–(2) * * *
23

- 24 (3) In addition to the educational leave required or authorized under rule 10.603
25 or (e)(1)–(2), should grant leave to a judge or subordinate judicial officer or
26 the executive officer to serve on education committees and as a faculty
27 member at education programs when the judicial officer's or executive
28 officer's services have been requested for these purposes by ~~the~~ Judicial
29 Council staff, the California Judges Association, or the court. If a court's
30 calendar would not be adversely affected, the presiding judge should grant
31 additional leave for a judge or subordinate judicial officer or executive officer
32 to serve on an educational committee or as a faculty member for judicial
33 branch education;
34

35 (4)–(5) * * *
36

- 37 (6) Must ensure that judges, subordinate judicial officers, and the court executive
38 officer are reimbursed by their court in accordance with the Trial Court
39 Financial Policies and Procedures Manual for travel expenses incurred in
40 attending in-state education programs as a participant, except to the extent
41 that: (i) certain expenses are covered by the ~~Administrative Office of the~~
42 ~~Courts~~ Judicial Council; or (ii) the education provider or sponsor of the
43 program pays the expenses. Provisions for these expenses must be part of

1 every court's budget. The presiding judge may approve reimbursement of
2 travel expenses incurred by judges, subordinate judicial officers, and the
3 court executive officer in attending out-of-state education programs as a
4 participant; and

- 5
6 (7) Must retain the records and cumulative histories of participation provided by
7 judges. These records and cumulative histories are subject to periodic audit
8 by ~~the Administrative Office of the Courts~~ Judicial Council staff. The
9 presiding judge must report the data from the records and cumulative
10 histories on an aggregate basis to the Judicial Council, on a form provided by
11 the Judicial Council, within six months after the end of each three-year
12 period.

13
14 *(Subd (e) amended effective January 1, 2016; previously amended effective January 1,*
15 *2008.)*

16
17 **(f) Responsibilities of Supreme Court and Court of Appeal justices,**
18 **clerk/administrators, managing attorneys, and supervisors**

19
20 Each court's justices, clerk/administrator, managing attorney, and supervisors:

21
22 (1)–(2) * * *

- 23
24 (3) Should allow and encourage court personnel, in addition to participating as
25 students in educational activities, to serve on court personnel education
26 committees and as faculty at court personnel education programs when an
27 employee's services have been requested for these purposes by ~~the~~
28 ~~Administrative Office of the Courts~~ Judicial Council staff or the court;

29
30 (4) * * *

- 31
32 (5) Must ensure that supervisors and other court personnel are reimbursed by
33 their court in accordance with the travel policies issued by the ~~Administrative~~
34 ~~Office of the Courts~~ Judicial Council for travel expenses incurred in attending
35 in-state education programs as a participant, except to the extent that: (i)
36 certain expenses are covered by the ~~Administrative Office of the Courts~~
37 Judicial Council; or (ii) the education provider or sponsor of the program
38 pays the expenses. Provisions for these expenses must be part of every
39 court's budget. The clerk/administrator or the managing attorney may
40 approve reimbursement of travel expenses incurred by supervisors and other
41 court personnel in attending out-of-state education programs as a participant.

42
43 *(Subd (f) amended effective January 1, 2016; adopted effective January 1, 2008.)*

1
2 **(g) Responsibilities of trial court executive officers, managers, and supervisors**

3
4 Each trial court's executive officer, managers, and supervisors:

5
6 (1)–(2) * * *

7
8 (3) Should allow and encourage court personnel, in addition to participating as
9 students in education activities, to serve on court personnel education
10 committees and as faculty at court personnel education programs when an
11 employee's services have been requested for these purposes by ~~the~~ Judicial
12 Council staff or the court;

13
14 (4) * * *

15
16 (5) Must ensure that managers, supervisors, and other court personnel are
17 reimbursed by their court in accordance with the Trial Court Financial
18 Policies and Procedures Manual for travel expenses incurred in attending in-
19 state education programs as a participant, except to the extent that: (i) certain
20 expenses are covered by the ~~Administrative Office of the Courts~~ Judicial
21 Council; or (ii) the education provider or sponsor of the program pays the
22 expenses. Provisions for these expenses must be part of every court's budget.
23 The court executive officer may approve reimbursement of travel expenses
24 incurred by managers, supervisors, and other court personnel in attending
25 out-of-state education programs as a participant.

26
27 *(Subd (g) amended effective January 1, 2016; adopted as subd (f); previously amended and*
28 *relettered as subd (g) effective January 1, 2008.)*

29
30 *Rule 10.452 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
31 *amended effective January 1, 2008, and January 1, 2012.*

32
33 **Rule 10.455. Ethics orientation for Judicial Council members and for judicial**
34 **branch employees required to file a statement of economic interests**

35
36 **(a)** * * *

37
38 **(b) Definitions**

39
40 For purposes of this rule, "judicial branch employee" includes an employee of a
41 trial or appellate court or the ~~Administrative Office of the Courts~~ Judicial Council,
42 but does not include court commissioners or referees.

43

1 (Subd (b) amended effective January 1, 2016.)

2
3 **(c) Judicial Council members and judicial branch employees**

4
5 (1) ~~The Administrative Office of the Courts~~ Judicial Council staff must provide
6 an ethics orientation course for Judicial Council members and for judicial
7 branch employees who are required to file a statement of economic interests.

8
9 (2)–(3) * * *

10
11 (Subd (c) amended effective January 1, 2016.)

12
13 *Rule 10.455 amended effective January 1, 2016; adopted as rule 6.301 effective January 1, 2004;*
14 *previously amended and renumbered as rule 10.301 effective January 1, 2007, and as rule 10.455*
15 *effective January 1, 2013.*

16
17 **Rule 10.461. Minimum education requirements for Supreme Court and Court of**
18 **Appeal justices**

19
20 **(a)** * * *

21
22 **(b) Content-based requirement**

23
24 Each new Court of Appeal justice, within two years of confirmation of
25 appointment, must attend a new appellate justice orientation program sponsored by
26 a national provider of appellate orientation programs or by the ~~Administrative~~
27 ~~Office of the Courts~~² ~~Judicial Council's Education Division/Center for Judicial~~
28 Education and Research.

29
30 (Subd (b) amended effective January 1, 2016; adopted as unlettered subd effective January
31 1, 2007; previously amended and lettered as subd (b) effective January 1, 2008; previously
32 amended effective January 1, 2012.)

33
34 **(c)–(e)** * * *

35
36 *Rule 10.461 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
37 *amended effective January 1, 2008, August 15, 2008, January 1, 2012, and January 1, 2013.*

38
39 **Advisory Committee Comment**

40
41 The requirements formerly contained in subdivision (e)(2) of rule 970, which has been repealed,
42 are carried forward without change in rule 10.461(b).

43

1 ~~The Administrative Office of the Courts (AOC) has~~ Judicial Council staff have developed both a
2 manual format and an automated format of the individual justice’s recording and reporting form
3 referenced in rule 10.461(e) that gathers all the information needed by the Chief Justice or the
4 administrative presiding justice to complete the aggregate report to the Judicial Council required
5 under rule 10.452(d)(6). The Chief Justice or the administrative presiding justice may determine
6 which form should be used in his or her court and may provide the manual or automated format
7 of the ~~AOC council~~-developed form (available from the ~~AOC’s council’s Education~~
8 ~~Division/Center for Judicial Education and Research~~) or may provide another appropriate form
9 that has been developed by his or her court or by another court that gathers all the information
10 needed by the Chief Justice or the administrative presiding justice to complete the aggregate
11 report to the Judicial Council.

12
13 **Rule 10.462. Minimum education requirements and expectations for trial court**
14 **judges and subordinate judicial officers**

15
16 **(a)–(b) * * ***

17
18 **(c) Content-based requirements**

19
20 (1) Each new trial court judge and subordinate judicial officer must complete the
21 “new judge education” provided by the ~~Administrative Office of the Courts’~~
22 ~~Judicial Council’s Education Division/Center for Judicial Education and~~
23 ~~Research (CJER)~~ as follows:

24
25 (A)–(C) * * *

26
27 (2)–(4) * * *

28
29 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
30 *2008, July 1, 2008, and January 1, 2012.)*

31
32 **(d)–(g) * * ***

33
34 *Rule 10.462 amended effective January 1, 2016; adopted effective January 1, 2007; previously*
35 *amended effective January 1, 2008, July 1, 2008, August 15, 2008, January 1, 2012, and January*
36 *1, 2013.*

37
38 **Advisory Committee Comment**

39
40 The minimum judicial education requirements in rule 10.462 do not apply to retired judges
41 seeking to sit on regular court assignment in the Assigned Judges Program. Retired judges who
42 seek to serve in the Assigned Judges Program must comply with the Chief Justice’s Standards
43 and Guidelines for Judges Who Serve on Assignment, which includes education requirements.

1
2 ~~The Administrative Office of the Courts (AOC) has~~ Judicial Council staff have developed both a
3 manual format and an automated format of the individual judge’s recording and reporting form
4 referenced in rule 10.462(f) that gathers all the information needed by the presiding judge to
5 complete the aggregate report to the Judicial Council required under rule 10.452(e)(7). The
6 presiding judge may determine which form should be used in his or her court and may provide
7 the manual or automated format of the ~~AOC council-~~AOC council-developed form (available from the ~~AOC’s~~
8 ~~Education Division/~~ Judicial Council’s Center for Judicial Education and Research) or may
9 provide another appropriate form that has been developed by his or her court or by another court
10 that gathers all the information needed by the presiding judge to complete the aggregate report to
11 the Judicial Council.
12

13 **Rule 10.468. Content-based and hours-based education for superior court judges**
14 **and subordinate judicial officers regularly assigned to hear probate**
15 **proceedings**
16

17 **(a) Definitions**
18

19 As used in this rule, the following terms have the meanings stated below:
20

21 (1)–(5) * * *

22
23 ~~(6) “AOC” is the Administrative Office of the Courts.~~
24

25 ~~(7)(6)~~ “CJER” is the ~~AOC Education Division/~~Judicial Council’s Center for Judicial
26 Education and Research.
27

28 ~~(8)(7)~~ “CJA” is the California Judges Association.
29

30 *(Subd (a) amended effective January 1, 2016.)*
31

32 **(b) * * ***
33

34 **(c) Hours-based continuing education**
35

36 (1)–(5) * * *

37
38 (6) A judicial officer may fulfill the education requirement in (1) or (2) through
39 ~~AOC council-~~AOC council-sponsored education, an approved provider (see rule
40 10.481(a)), or education approved by the judicial officer’s presiding judge as
41 meeting the education criteria specified in rule 10.481(b).
42

43 (7) * * *

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(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(d) * * *

(e) Record keeping and reporting

(1) * * *

(2) Presiding judges' records of judicial officer participation in the education required by this rule are subject to audit by ~~the AOC~~ Judicial Council staff under rule 10.462. ~~The AOC~~ Judicial Council staff may require courts to report participation by judicial officers in the education required by this rule to ensure compliance with Probate Code section 1456.

(Subd (e) amended effective January 1, 2016.)

Rule 10.468 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective January 1, 2012.

Rule 10.469. Judicial education recommendations for justices, judges, and subordinate judicial officers

(a) * * *

(b) Jury trial assignment

Each judge or subordinate judicial officer assigned to jury trials should regularly use the ~~Administrative Office of the Courts' Education Division~~ Judicial Council CJER educational materials or other appropriate materials and should regularly complete CJER or other appropriate educational programs devoted to the conduct of jury voir dire and the treatment of jurors.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(c)–(e) * * *

Rule 10.469 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective January 1, 2012.

1 **Rule 10.478. Content-based and hours-based education for court investigators,**
2 **probate attorneys, and probate examiners**

3
4 **(a) Definitions**

5
6 As used in this rule, the following terms have the meanings specified below, unless
7 the context or subject matter otherwise require:

8
9 (1)–(4) * * *

10
11 ~~(5) “AOC” is the Administrative Office of the Courts;~~

12
13 ~~(6-5) “CJER” is the AOC Education Division/Judicial Council’s Center for Judicial~~
14 ~~Education and Research.~~

15
16 *(Subd (a) amended effective January 1, 2016.)*

17
18 **(b) Content-based requirements for court investigators**

19
20 (1) * * *

21
22 (2) A court investigator may fulfill the education requirement in (1) through
23 ~~AOC council~~-sponsored education, an approved provider (see rule
24 10.481(a)), or education approved by the court executive officer or the court
25 investigator’s supervisor as meeting the education criteria specified in rule
26 10.481(b).

27
28 (3)–(4) * * *

29
30 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
31 *2012.)*

32
33 **(c) Content-based education for probate attorneys**

34
35 (1) * * *

36
37 (2) A probate attorney may fulfill the education requirement in (1) through ~~AOC~~
38 ~~council~~-sponsored education, an approved provider (see rule 10.481(a)), or
39 education approved by the court executive officer or the probate attorney’s
40 supervisor as meeting the education criteria specified in rule 10.481(b).

41
42 (3)–(4) * * *

43

1 (Subd (c) amended effective January 1, 2016; previously amended effective January 1,
2 2012.)

3
4 **(d) Content-based education for probate examiners**

5
6 (1) * * *

7
8 (2) A probate examiner may fulfill the education requirement in (1) through
9 ~~AOC~~council-sponsored education, an approved provider (see rule
10 10.481(a)), or education approved by the court executive officer or the
11 probate examiner's supervisor as meeting the education criteria specified in
12 rule 10.481(b).

13
14 (3)–(4) * * *

15
16 (Subd (d) amended effective January 1, 2016; previously amended effective January 1,
17 2012.)

18
19 **(e) Hours-based education for court investigators**

20
21 (1) * * *

22
23 (2) A court investigator may fulfill the education requirement in (1) through
24 ~~AOC~~council-sponsored education, an approved provider (see rule
25 10.481(a)), or education approved by the court executive officer or the court
26 investigator's supervisor as meeting the education criteria specified in rule
27 10.481(b).

28
29 (3)–(4) * * *

30
31 (Subd (e) amended effective January 1, 2016; previously amended effective January 1,
32 2012.)

33
34 **(f) Hours-based education for probate attorneys**

35
36 (1) * * *

37
38 (2) A probate attorney may fulfill the education requirement in (1) through ~~AOC~~
39 council-sponsored education, an approved provider (see rule 10.481(a)), or
40 education approved by the court executive officer or the probate attorney's
41 supervisor as meeting the education criteria specified in rule 10.481(b).

42
43 (3)–(4) * * *

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(Subd (f) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(g) Hours-based education for probate examiners

(1) * * *

(2) A probate examiner may fulfill the education requirement in (1) through ~~AOC~~council-sponsored education, an approved provider (see rule 10.481(a)), or education approved by the court executive officer or the probate examiner’s supervisor as meeting the education criteria specified in rule 10.481(b).

(3)–(4) * * *

(Subd (g) amended effective January 1, 2016; previously amended effective January 1, 2012.)

(h) * * *

(i) Record keeping and reporting

(1) * * *

(2) ~~The AOC~~ Judicial Council staff may require courts to report participation by court investigators, probate attorneys, and probate examiners in the education required by this rule as necessary to ensure compliance with Probate Code section 1456.

(Subd (i) amended effective January 1, 2016.)

Rule 10.478 amended effective January 1, 2016; adopted effective January 1, 2008; previously amended effective January 1, 2012.

Rule 10.481. Approved providers; approved course criteria

(a) Approved providers

The ~~Administrative Office of the Courts’~~ Judicial Council’s ~~Education Division/~~Center for Judicial Education and Research (CJER) is responsible for maintaining a current list of approved providers. The list of approved providers must include the ~~Administrative Office of the Courts~~Judicial Council, the

1 California Judges Association, and all California state courts and should include
2 other reputable national and state organizations that regularly offer education
3 directed to justices, judges, and court personnel. The director of ~~the Education~~
4 ~~Division/CJER~~ may add or remove organizations from the list of approved
5 providers as appropriate according to these criteria. Any education program offered
6 by any of the approved providers that is relevant to the work of the courts or
7 enhances the individual participant's ability to perform his or her job may be
8 applied toward the education requirements and expectations stated in rules 10.461–
9 10.479, except for the requirements stated in rules 10.461(b), 10.462(c), and
10 10.473(b), for which specific providers are required.

11
12 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
13 *2008, and January 1, 2012.)*

14
15 **(b) * * ***

16
17 *Rule 10.481 amended effective January 1, 2016; adopted as rule 10.471 effective January 1,*
18 *2007; previously amended and renumbered as rule 10.481 effective January 1, 2008; previously*
19 *amended effective January 1, 2012.*

20
21 **Advisory Committee Comment**

22
23 **Subdivision (b).** The director of ~~the Education Division/CJER~~ is available to assist those
24 authorized to approve a request to apply education offered by a non-approved provider in
25 determining whether the education meets the listed criteria.

26
27 **Rule 10.491. Minimum education requirements for ~~Administrative Office of the~~**
28 **Courts Judicial Council executives, managers, supervisors, and other**
29 **employees**

30
31 **(a) Applicability**

32
33 All ~~Administrative Office of the Courts (AOC)~~ Judicial Council executives,
34 managers, supervisors, and other employees must complete these minimum
35 education requirements.

36
37 *(Subd (a) amended effective January 1, 2016.)*

38
39 **(b) Content-based requirements**

40
41 (1) Each new manager or supervisor must complete the ~~AOC's~~ New
42 Manager/Supervisor Orientation within six months of being hired or assigned
43 as a manager or supervisor.

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- (2) Each new employee, including each new manager or supervisor, must complete ~~the AOC's~~ New Employee Orientation within six months of being hired and should complete it as soon as possible after being hired.

- (3) The Administrative Director ~~of the Courts~~ may require new managers, supervisors, and other employees to complete specific ~~AOC~~ compliance courses in addition to the required orientation courses.

(Subd (b) amended effective January 1, 2016.)

(c) Hours-based requirements

- (1)–(5) * * *

- (6) Each hour of participation in traditional (live, face-to-face) education; distance education such as broadcasts, videoconference courses, and online coursework; and faculty service counts toward the requirement on an hour-for-hour basis. The Administrative Director ~~of the Courts~~ or an executive, manager, or supervisor, if delegated by the Administrative Director, has discretion to determine the number of hours, if any, of traditional (live, face-to-face) education required to meet the continuing education requirement.

- (7) * * *

- (8) The Administrative Director ~~of the Courts~~ may require executives, managers, supervisors, and other employees to complete specific ~~AOC~~ compliance courses as part of the continuing education requirements.

(Subd (c) amended effective January 1, 2016; previously amended effective January 1, 2012, and July 1, 2013.)

(d) Extension of time

- (1) For good cause, the Administrative Director ~~of the Courts~~ or an executive, manager, or supervisor, if delegated by the Administrative Director, may grant a one-year extension of time to complete the education requirements in this rule. If an extension is granted, the subsequent two-year compliance period begins immediately after the extended compliance period ends, unless otherwise determined by the Administrative Director.

- (2) * * *

1 (Subd (d) amended effective January 1, 2016; previously amended effective July 1, 2013.)

2
3 (e) * * *

4
5 (f) **Responsibilities of Administrative Director of the Courts and of AOC Judicial**
6 **Council executives, managers, and supervisors**

7
8 The Administrative Director of the Courts and each AOC Judicial Council
9 executive, manager, and supervisor:

10
11 (1)–(3) * * *

12
13 (4) Must ensure that executives, managers, supervisors, and other employees are
14 reimbursed by the AOC in accordance with the travel policies issued by the
15 Administrative Office of the Courts Judicial Council for travel expenses
16 incurred in attending in-state education programs as a participant in order to
17 complete the minimum education requirements in (b)–(c). Provisions for
18 these expenses must be part of the AOC’s Judicial Council’s budget. The
19 Administrative Director of the Courts may approve reimbursement of travel
20 expenses incurred by executives, managers, supervisors, and other employees
21 in attending out-of-state education programs as participants.

22
23 (Subd (f) amended effective January 1, 2016; previously amended effective July 1, 2008.)

24
25 Rule 10.491 amended effective January 1, 2016; adopted effective January 1, 2008; previously
26 amended effective July 1, 2008, January 1, 2012, and July 1, 2013.

27
28 **Rule 10.500. Public access to judicial administrative records**

29
30 (a)–(b) * * *

31
32 (c) **Definitions**

33
34 As used in this rule:

35
36 (1)–(2) * * *

37
38 (3) “Judicial branch entity” means the Supreme Court, each Court of Appeal,
39 each superior court, and the Judicial Council, ~~and the Administrative Office~~
40 ~~of the Courts~~.

41
42 (4)–(6) * * *

43

1 (Subd (c) amended effective January 1, 2016.)

2

3 (d) * * *

4

5 (e) **Public access**

6

7 (1) * * *

8

9 (2) *Examples*

10

11 Judicial administrative records subject to inspection and copying unless
12 exempt from disclosure under subdivision (f) include, but are not limited to,
13 the following:

14

15 (A) Budget information submitted to the ~~Administrative Office of the~~
16 ~~Courts~~ Judicial Council after enactment of the annual Budget Act;

17

18 (B)–(F) * * *

19

20 (3)–(12) * * *

21

22 (Subd (e) amended effective January 1, 2016.)

23

24 (f)–(i) * * *

25

26 (j) **Public access disputes**

27

28 (1) Unless the petitioner elects to proceed under (2) below, disputes and appeals
29 of decisions with respect to disputes with the Judicial Council;
30 ~~Administrative Office of the Courts~~, or a superior court regarding access to
31 budget and management information required to be maintained under rule
32 10.501 are subject to the process described in rule 10.803.

33

34 (2)–(6) * * *

35

36

37 (Subd (j) amended effective January 1, 2016.)

38

39 *Rule 10.500 amended effective January 1, 2016; adopted effective January 1, 2010.*

40

41 **Advisory Committee Comment**

42

43 **Subdivision (a).** * * *

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Subdivisions (b)(1) and (b)(2). * * *

Subdivision (c)(2). * * *

Subdivision (e)(4). * * *

Subdivision (f)(3). * * *

Subdivision (f)(10). * * *

Subdivision (f)(11). * * *

Subdivision (j)(1). Under current rule 10.803 a petitioner may file a writ in a superior court regarding a dispute with a superior court or the ~~Administrative Office of the Courts~~ Judicial Council with respect to disclosure of records and information required to be maintained under current rule 10.802. The writ petition must be heard on an expedited basis and includes a right to an appeal. The statutory authority for the hearing process set forth in current rule 10.803, Government Code section 71675(b), does not extend this procedure to other disputes with respect to public access. The rule provides that petitioners with a dispute with any other judicial branch entity, or with respect to records that are not required to be maintained under rule 10.802, may follow the procedure set forth in (j)(2) through (j)(6), which is equivalent to the dispute resolution procedure of the California Public Records Act. A petitioner eligible for the dispute resolution process set out in current rule 10.803 may also elect to proceed with his or her dispute under the procedure set forth in (j)(2) through (j)(6).

Rule 10.501. Maintenance of budget and management information

(a) Maintenance of information by the superior court

Each superior court must maintain for a period of three years from the close of the fiscal year to which the following relate:

- (1) Official documents of the superior court pertaining to the approved superior court budget allocation adopted by the Judicial Council and actual final year-end superior court revenue and expenditure reports as required in budget procedures issued by ~~the Administrative Office of the Courts~~ Judicial Council staff to be maintained or reported to the council, including budget allocation, revenue, and expenditure reports;

(2)–(3) * * *

(Subd (a) amended effective January 1, 2016.)

1
2 **(b) Maintenance of information by ~~the Administrative Office of the Courts~~**
3 **Judicial Council staff**
4

5 ~~The Administrative Office of the Courts~~ Judicial Council staff must maintain for a
6 period of three years from the close of the fiscal year to which the following relate:
7

8 (1) * * *

9
10 (2) Actual final year-end superior court revenue and expenditure reports required
11 by budget procedures issued by ~~the Administrative Office of the Courts~~
12 Judicial Council staff to be maintained or reported to the council that are
13 received from the courts, including budget revenues and expenditures for
14 each superior court;

15
16 (3)–(4) * * *

17
18 *(Subd (b) amended effective January 1, 2016.)*
19

20 *Rule 10.501 amended effective January 1, 2016; adopted effective January 1, 2010.*
21

22 **Rule 10.502. Judicial sabbatical pilot program**
23

24 **(a)–(b)** * * *

25
26 **(c) Application**
27

28 (1) An eligible judge may apply for a sabbatical by submitting a sabbatical
29 proposal to the Administrative Director ~~of the Courts~~ with a copy to the
30 presiding judge or justice.
31

32 (2) * * *

33
34 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
35 *2007.)*
36

37 **(d) Judicial Sabbatical Review Committee**
38

39 A Judicial Sabbatical Review Committee will be appointed to make
40 recommendations to the Judicial Council regarding sabbatical requests.
41

42 (1) * * *

43

1 (2) *Staffing*

2

3 The committee will be staffed by the Judicial Council's Human Resources
4 ~~Division office of the Administrative Office of the Courts~~ and may elect its
5 chair and vice-chair.

6

7 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
8 *2007.)*

9

10 (e) **Evaluation**

11

12 (1) The Administrative Director ~~of the Courts~~ must forward all sabbatical
13 requests that comply with (c) to the Judicial Sabbatical Review Committee.

14

15 (2)–(3) * * *

16

17 *(Subd (e) amended effective January 1, 2016.)*

18

19 (f)–(j) * * *

20

21 *Rule 10.502 amended effective January 1, 2016; adopted as rule 6.151 effective January 1, 2003;*
22 *previously amended and renumbered as rule 10.502 effective January 1, 2007.*

23

24 **Rule 10.601. Superior court management**

25

26 (a) * * *

27

28 (b) **Goals**

29

30 The rules in this division are intended to ensure the authority and responsibility of
31 the superior courts to do the following, consistent with statutes, rules of court, and
32 standards of judicial administration:

33

34 (1)–(4) * * *

35

36 (5) Provide input to the Judicial Council, the Trial Court Budget ~~Working Group~~
37 Advisory Committee, and ~~the Administrative Office of the Courts~~ Judicial
38 Council on the trial court budget process; and

39

40 (6) * * *

41

42 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
43 *2002, and January 1, 2007.)*

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(c) * * *

Rule 10.601 amended effective January 1, 2016; adopted as rule 2501 effective July 1, 1998; renumbered as rule 6.601 effective January 1, 1999; previously amended effective January 1, 2002; previously amended and renumbered as rule 10.601 effective January 1, 2007.

Rule 10.620. Public access to administrative decisions of trial courts

(a) * * *

(b) Budget priorities

The Administrative Office of the Courts Director may request, on 30 court days' notice, recommendations from the trial courts concerning judicial branch budget priorities. The notice must state that if a trial court is to make recommendations, the trial court must also give notice, as provided in (g), that interested members of the public may send input to the Administrative Office of the Courts Judicial Council.

(Subd (b) amended effective January 1, 2016; previously amended effective January 1, 2005, and January 1, 2007.)

(c) * * *

(d) Other decisions requiring public input

Each trial court must seek input from the public, as provided in (e), before making the following decisions:

- (1) A request for permission from the Administrative Office of the Courts Judicial Council staff to reallocate budget funds from one program component to another in an amount greater than \$400,000 or 10 percent of the total trial court budget, whichever is greater.
- (2) * * *
- (3) ~~The planned, permanent closure of any court location for an entire day or for more than one-third of the hours the court location was previously open for either court sessions or filing of papers. As used in this subdivision, planned closure does not include closure of a location on a temporary basis for reasons including holidays, illness, or other unforeseen lack of personnel, or public safety.~~

1 (4) The cessation of any of the following services at a court location:

2 (A) The Family Law Facilitator; or

3 (B) The Family Law Information Center.

4
5
6
7 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
8 *2007.)*

9
10 (e) * * *

11
12 **(f) Information about other trial court administrative matters**

13
14 A trial court must provide notice, not later than 15 court days after the event, of the
15 following:

16
17 (1)–(4) * * *

18
19 (5) ~~A significant permanent decrease in the number of hours that a court location~~
20 ~~is open during any day for either court sessions or filing of papers, except~~
21 ~~those governed by (d)(3). As used in this paragraph, a significant decrease~~
22 ~~does not include a decrease in response to an emergency need to close a~~
23 ~~location on a temporary basis for reasons including illness or other~~
24 ~~unforeseen lack of personnel or public safety.~~

25
26 (6) The action taken on any item for which input from the public was required
27 under (d). The notice must show the person or persons who made the
28 decision and a summary of the written and e-mail input received.

29
30 *(Subd (f) amended effective January 1, 2016; previously amended effective January 1,*
31 *2007.)*

32
33 (g)–(k) * * *

34
35 *Rule 10.620 amended effective January 1, 2016; adopted as rule 6.620 effective January 1, 2004;*
36 *previously amended effective January 1, 2005; previously amended and renumbered as rule*
37 *10.620 effective January 1, 2007.*

38
39 **Advisory Committee Comment**

40
41 The procedures required under this rule do not apply where statutes specify another procedure for
42 giving public notice and allowing public input. (See, e.g., Gov. Code, § 68106 [notice of reduced
43 court services]; *id.*, § 68511.7 [notice of proposed court budget plan].)

1
2 **Rule 10.660. Enforcement of agreements—petitions (Gov. Code, §§ 71639.5,**
3 **71825.2)**

4
5 (a) * * *

6
7 (b) **Assignment of Court of Appeal justice to hear the petition**

8
9 (1) * * *

10
11 (2) When the petition is filed, the clerk of the court must immediately request of
12 the Judicial Council's Judicial Assignments Unit Assigned Judges Program
13 ~~of the Administrative Office of the Courts~~ the assignment of a hearing judge
14 from the panel established under (e).

15
16 (3) * * *

17
18 *(Subd (b) amended effective January 1, 2016; previously amended effective December 10,*
19 *2004, and January 1, 2007.)*

20
21 (c)–(e) * * *

22
23 *Rule 10.660 amended effective January 1, 2016; adopted as rule 2211 effective January 1, 2001;*
24 *previously amended and renumbered as rule 10.660 effective January 1, 2007; previously*
25 *amended effective December 10, 2004, and October 24, 2008.*

26
27 **Rule 10.670. Trial court personnel plans**

28
29 (a)–(d) * * *

30
31 (e) **Submission of personnel plans**

32
33 The superior court of each county must submit to the Judicial Council a personnel
34 plan in compliance with these provisions by March 1, 1999. The superior court of
35 each county must submit to the Judicial Council any changes to this plan by March
36 1 of every following year. If requested by a superior court, ~~the Administrative~~
37 ~~Office of the Courts~~ Judicial Council staff must review the court's personnel plan
38 and provide the court with technical assistance in preparing the plan.

39
40 *(Subd (e) amended effective January 1, 2016; previously amended effective January 1,*
41 *2007.)*

42

1 *Rule 10.670 amended effective January 1, 2016; adopted as rule 2520 effective July 1, 1998;*
2 *previously renumbered as rule 6.650 effective January 1, 1999; previously amended and*
3 *renumbered as rule 10.670 effective January 1, 2007.*

4
5 **Rule 10.742. Use of attorneys as court-appointed temporary judges**

6
7 **(a)–(b) * * ***

8
9 **(c) Record and report of uses**

10
11 Each trial court that uses attorneys as temporary judges must record and report to
12 ~~the Administrative Office of the Courts~~ Judicial Council staff on a quarterly basis
13 information concerning its use of them. The report must state:

14
15 **(1)–(3) * * ***

16
17 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
18 *2007.)*

19
20 *Rule 10.742 amended effective January 1, 2016; adopted as rule 6.742 effective July 1, 2006;*
21 *previously amended and renumbered as rule 10.742 effective January 1, 2007.*

22
23 **Rule 10.761. Regional Court Interpreter Employment Relations Committees**

24
25 **(a) * * ***

26
27 **(b) Membership**

28
29 **(1)–(3) * * ***

30
31 **(4)** Each Regional Court Interpreter Employment Relations Committee may
32 appoint a chief negotiator to bargain with recognized employee
33 organizations. The chief negotiator may be Judicial Council staff ~~of the~~
34 ~~Administrative Office of the Courts.~~

35
36 **(5) * * ***

37
38 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
39 *2006, and January 1, 2007.)*

40
41 **(c)–(d) * * ***

42

1 (e) ~~Administrative Office of the Courts~~ Judicial Council staff

2
3 The Judicial Council staff of the ~~Administrative Office of the Courts~~ will assist
4 each Regional Court Interpreter Employment Relations Committee in performing
5 its functions.

6
7 *(Subd (e) amended effective January 1, 2016.)*

8
9 *Rule 10.761 amended effective January 1, 2016; adopted as rule 6.661 effective March 1, 2003;*
10 *previously amended effective January 1, 2006; previously amended and renumbered as rule*
11 *10.761 effective January 1, 2007.*

12
13 **Rule 10.762. Cross-assignments for court interpreter employees**

14
15 (a) * * *

16
17 (b) **Definitions**

18
19 As used in this rule:

20
21 (1)–(3) * * *

22
23 (4) “Regional court interpreter coordinator” means ~~an~~ a Judicial Council
24 ~~employee of the Administrative Office of the Courts~~ whose duty it is to
25 locate, assign, and schedule available court interpreter employees for courts
26 within and across regions, which are described under Government Code
27 section 71807(a).

28
29 (5) * * *

30
31 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
32 *2007.)*

33
34 (c) * * *

35
36 (d) **Payment for cross-assignments**

37
38 The home court must issue payment to the court interpreter for all cross-
39 assignments, including per diem compensation and mileage reimbursement. ~~The~~
40 ~~Administrative Office of the Courts~~ Judicial Council staff will administer funding
41 to the home court for payments associated with cross-assignments.
42

1 (Subd (d) amended effective January 1, 2016; previously amended effective January 1,
2 2007.)

3
4 (e)–(f) * * *

5
6 Rule 10.762 amended effective January 1, 2016; adopted as rule 6.662 effective March 1, 2003;
7 previously amended and renumbered as rule 10.762 effective January 1, 2007.

8
9 **Rule 10.776. Definitions**

10
11 As used in the rules in this chapter, the following terms have the meanings stated below:

12
13 (1)–(4) * * *

14
15 (5) An “accredited educational institution” is a college or university, including a
16 community or junior college, accredited by a regional accrediting organization
17 recognized by the Council for Higher Education Accreditation; and

18
19 ~~(6) “AOC” is the Administrative Office of the Courts.~~

20
21 Rule 10.776 amended effective January 1, 2016; adopted effective January 1, 2008.

22
23 **Rule 10.777. Qualifications of court investigators, probate attorneys, and probate**
24 **examiners**

25
26 (a)–(e) * * *

27
28 (f) **Record keeping and reporting**

29
30 The ~~AOC~~ Judicial Council may require courts to report on the qualifications of the
31 court investigators, probate attorneys, or probate examiners hired or under contract
32 under this rule, and on waivers made under (e), as necessary to ensure compliance
33 with Probate Code section 1456.

34
35 (Subd (f) amended effective January 1, 2016.)

36
37 Rule 10.777 amended effective January 1, 2016; adopted effective January 1, 2008.

38
39 **Rule 10.781. Court-related ADR neutrals**

40
41 (a) **Qualifications of mediators for general civil cases**

42

1 Each superior court that makes a list of mediators available to litigants in general
2 civil cases or that recommends, selects, appoints, or compensates mediators to
3 mediate any general civil case pending in the court must establish minimum
4 qualifications for the mediators eligible to be included on the court's list or to be
5 recommended, selected, appointed, or compensated by the court. A court that
6 approves the parties' agreement to use a mediator who is selected by the parties and
7 who is not on the court's list of mediators or that memorializes the parties'
8 agreement in a court order has not thereby recommended, selected, or appointed
9 that mediator within the meaning of this rule. In establishing these qualifications,
10 courts are encouraged to consider the Model Qualification Standards for Mediators
11 in Court-Connected Mediation Programs for General Civil Cases issued by the
12 ~~Administrative Office of the Courts~~ Judicial Council staff.

13
14 *(Subd (a) amended effective January 1, 2016; adopted effective January 1, 2011.)*

15
16 **(b)–(d) * * ***

17
18 *Rule 10.781 amended effective January 1, 2016; adopted as rule 1580.1 effective January 1,*
19 *2001; previously amended and renumbered as rule 10.781 effective January 1, 2007; previously*
20 *amended effective July 1, 2009, and January 1, 2011.*

21
22 **Rule 10.782. ADR program information**

23
24 **(a) Report to Judicial Council**

25
26 Each court must report information on its ADR programs to the Judicial Council, as
27 requested by the ~~Administrative Office of the Courts~~ Judicial Council staff.

28
29 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
30 *2007.)*

31
32 **(b) * * ***

33
34 *Rule 10.782 amended effective January 1, 2016; adopted as rule 1580.2 effective January 1,*
35 *2001; previously amended and renumbered effective January 1, 2007.*

36
37 **Rule 10.800. Superior court budgeting**

38
39 **(a) * * ***

40
41 **(b) Development of budget requests**

42

1 Each superior court must prepare and submit to the ~~Administrative Office of the~~
2 ~~Courts~~ Judicial Council a budget according to the schedule and procedures
3 established by the Judicial council.
4

5 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
6 *2002, and January 1, 2007.)*
7

8 (c) * * *

9
10 *Rule 10.800 amended effective January 1, 2016; adopted as rule 2530 effective July 1, 1998;*
11 *renumbered as rule 6.700 effective January 1, 1999; previously amended effective January 1,*
12 *2002; previously amended and renumbered as rule 10.800 effective January 1, 2007.*
13

14 **Rule 10.801. Superior court budget procedures**

15
16 (a) **Adoption of budget procedures by ~~the Administrative Office of the Courts~~**
17 **Judicial Council staff**

18
19 ~~The Administrative Office of the Courts~~ Judicial Council staff must adopt superior
20 court budget procedures to be included in the *Trial Court Financial Policies and*
21 *Procedures Manual*, the annual Baseline Budget Development Package, and the
22 annual *Budget Change Request Package*. These procedures include the following:
23

24 (1)–(9) * * *

25
26 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
27 *2002, and January 1, 2007.)*
28

29 (b) **Technical assistance**

30
31 ~~The Administrative Office of the Courts~~ Judicial Council staff, on request, provides
32 technical assistance and ongoing training in budget development and
33 implementation to the superior courts.
34

35 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
36 *2002, and January 1, 2007.)*
37

38 *Rule 10.801 amended effective January 1, 2016; adopted as rule 2531 effective July 1, 1998;*
39 *renumbered as rule 6.701 effective January 1, 1999; previously amended effective January 1,*
40 *2002; previously amended and renumbered as rule 10.801 effective January 1, 2007.*
41

42 **Rule 10.805. Notice of change in court-county relationship**

43

1 If, under Government Code section 77212, the county gives notice to the superior court
2 that the county will no longer provide a specific county service or the court gives notice
3 to the county that the court will no longer use a specific county service, the court must,
4 within 10 days of receiving or giving such notice, provide a copy of this notice to the
5 Judicial Council's Finance Division office of the Administrative Office of the Courts.

6
7 *Rule 10.805 amended effective January 1, 2016; adopted as rule 6.705 effective January 1, 2000;*
8 *previously amended and renumbered as rule 10.805 effective January 1, 2007.*

9
10 **Rule 10.811. Reimbursement of costs associated with homicide trials**

11
12 **(a)–(b) * * ***

13
14 **(c) Submission**

15
16 A request for reimbursement must be submitted by the court's presiding judge or
17 executive officer to ~~the Administrative Office of the Courts~~ Judicial Council staff.
18 All requests for reimbursement must comply with guidelines approved by the
19 Judicial Council and include a completed *Request for Reimbursement of*
20 *Extraordinary Homicide Trial Costs* form.

21
22 *(Subd (c) amended effective January 1, 2016.)*

23
24 *Rule 10.811 amended effective January 1, 2016; adopted as rule 6.711 effective January 1, 2005;*
25 *previously amended and renumbered as rule 10.811 effective January 1, 2007.*

26
27 **Rule 10.815. Fees to be set by the court**

28
29 **(a)–(d) * * ***

30
31 **(e) Reporting requirement**

32
33 Each court that charges a fee under this rule must provide ~~the Administrative Office~~
34 ~~of the Courts~~ Judicial Council staff with a description of the fee, how the amount of
35 the fee was determined, and how the fee is applied.

36
37 *(Subd (e) amended effective January 1, 2016.)*

38
39 **(f)–(g) * * ***

40
41 *Rule 10.815 amended effective January 1, 2016; adopted as rule 6.712 effective January 1, 2006;*
42 *previously amended effective July 1, 2006; amended and renumbered as rule 10.815 effective*
43 *January 1, 2007.*

1
2 **Rule 10.820. Acceptance of credit cards by the superior courts**

3
4 **(a) Delegation of authority to Administrative Director of the Courts**

5
6 The Administrative Director of the Courts is authorized, under rule 10.80, to
7 approve on behalf of the Judicial Council requests from the superior courts to
8 accept credit cards for the payment of court fees or to impose a charge for the use
9 of credit cards. The authority is given to the Judicial Council by Government Code
10 section 6159.

11
12 *(Subd (a) amended effective January 1, 2016; previously amended effective January 1,*
13 *2007.)*

14
15 **(b) Standards for use of credit cards**

16
17 The Administrative Director of the Courts is authorized to approve requests under
18 (a) for acceptance of credit cards if all of the following are true:

19
20 (1)–(3) * * *

21
22 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
23 *2007.)*

24
25 **(c) Standards for charge for the use of credit cards**

26
27 The Administrative Director of the Courts is authorized to approve requests under
28 (a) for the imposition of a charge for the use of credit cards if both of the following
29 are true:

30
31 (1)–(2) * * *

32
33 *(Subd (c) amended effective January 1, 2016; previously amended effective January 1,*
34 *2007.)*

35
36 **(d) Referral to Judicial Council**

37
38 The Administrative Director of the Courts may refer any request under (a) to the
39 Judicial Council for its action.

40
41 *(Subd (d) amended effective January 1, 2016; previously amended effective January 1,*
42 *2007.)*

43

1 (e) * * *

2
3 *Rule 10.820 amended effective January 1, 2016; adopted as rule 6.703 effective January 1, 2000;*
4 *previously amended and renumbered as rule 10.820 effective January 1, 2007; previously*
5 *amended effective January 1, 2009.*

6
7 **Rule 10.830. Disposal of surplus court personal property**

8
9 (a) * * *

10
11 (b) **Exception for disposal of technology equipment acquired on or after July 1,**
12 **2000**

13
14 A superior court that wishes to dispose of surplus technology equipment to which
15 the court acquired title on or after July 1, 2000 must provide a written description
16 of such technology equipment to the Administrative Director ~~of the Courts~~. If,
17 within 60 days of receipt of the description, the Administrative Director determines
18 that another court of record of the State of California is in need of the surplus
19 technology equipment, the court holding title to the equipment must donate it to the
20 court determined to be in need. If the Administrative Director determines that no
21 other court needs the equipment or makes no determination within 60 days of
22 receiving the written description of it, the court holding title to the equipment may
23 dispose of it as provided in (a), (c), and (d). The Administrative Director must
24 provide to the courts a definition of the term “technology equipment” as used in
25 this rule and must provide 30 days’ notice of any amendment to the definition.

26
27 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
28 *2007.)*

29
30 (c)–(d) * * *

31
32 *Rule 10.830 amended effective January 1, 2016; adopted as rule 6.709 effective January 1, 2001;*
33 *previously amended and renumbered as rule 10.830 effective January 1, 2007.*

34
35 **Rule 10.854. Standards and guidelines for trial court records**

36
37 (a) **The standards and guidelines**

38
39 ~~The Administrative Office of the Courts~~ Judicial Council staff, in collaboration
40 with trial court presiding judges and court executives, must prepare, maintain, and
41 distribute a manual providing standards and guidelines for the creation,
42 maintenance, and retention of trial court records (the *Trial Court Records Manual*),
43 consistent with the Government Code and the rules of court and policies adopted by

1 the Judicial Council. The manual should assist the courts and the public to have
2 complete, accurate, efficient, and accessible court records. Before the manual is
3 issued, it must be made available for comment from the trial courts.

4
5 *(Subd (a) amended effective January 1, 2016.)*

6
7 **(b) * * ***

8
9 **(c) Updating the manual**

10
11 ~~The Administrative Office of the Courts~~ Judicial Council staff, in collaboration
12 with trial court presiding judges and court executives, must periodically update the
13 *Trial Court Records Manual* to reflect changes in technology that affect the
14 creation, maintenance, and retention of court records. Except for technical changes,
15 corrections, or minor substantive changes not likely to create controversy, proposed
16 changes in the manual must be made available for comment from the courts before
17 the manual is updated or changed. Courts must be notified of any changes in the
18 standards or guidelines, including all those relating to the permanent retention of
19 records.

20
21 *(Subd (c) amended effective January 1, 2016.)*

22
23 **(d) * * ***

24
25 *Rule 10.854 amended effective January 1, 2016; adopted effective January 1, 2011.*

26
27 **Rule 10.870. Trial court automation standards**

28
29 Each superior court that acquires, develops, enhances, or maintains automated accounting
30 or case management systems through funding provided under Government Code section
31 68090.8 must comply with the standards approved by the Judicial Council. The approved
32 standards are stated in *Judicial Council Trial Court Automation Standards* published by
33 ~~the Administrative Office of the Courts~~.

34
35 *Rule 10.870 amended effective January 1, 2016; adopted as rule 1011 effective March 1, 1992;*
36 *renumbered as rule 999.1 effective July 1, 1993; previously amended and renumbered as rule*
37 *10.870 effective January 1, 2007.*

38
39 **Rule 10.960. Court self-help centers**

40
41 **(a)–(e) * * ***

42

1 (f) **Budget and funding**

2
3 A court must include in its annual budget funding necessary for operation of its
4 self-help center. In analyzing and making recommendations on the allocation of
5 funding for a court self-help center, ~~the Administrative Office of the Courts~~ Judicial
6 Council staff will consider the degree to which individual courts have been
7 successful in meeting the guidelines and procedures for the operation of the self-
8 help center.

9
10 *(Subd (f) amended effective January 1, 2016.)*

11
12 *Rule 10.960 amended effective January 1, 2016; adopted effective January 1, 2008; previously*
13 *amended effective February 20, 2014, and January 1, 2015.*

14

1 **Standards of Judicial Administration**

2
3 **Standard 5.40. Juvenile court matters**

4
5 **(a)–(h) * * ***

6
7 **Advisory Committee Comment**

8
9 **Subdivision (a). * * ***

10
11 **Subdivision (b)(2). * * ***

12
13 **Subdivision (c)(4). * * ***

14
15 **Subdivision (d)(4).** Juvenile court law is a specialized area of the law that requires dedication and
16 study. The juvenile court judge has a responsibility to maintain high quality in the practice of law
17 in the juvenile court. The quality of representation in the juvenile court depends in good part on
18 the education of the lawyers who appear there. In order to make certain that all parties receive
19 adequate representation, it is important that attorneys have adequate training before they begin
20 practice in juvenile court and on a continuing basis thereafter. The presiding judge of the juvenile
21 court should mandate such training for all court-appointed attorneys and urge leaders of public
22 law offices to provide at least comparable training for attorneys assigned to juvenile court.

23
24 A minimum of six hours of continuing legal education is suggested; more hours are
25 recommended. Education methods can include lectures and tapes that meet the legal education
26 requirements.

27
28 In addition to basic legal training in juvenile dependency and delinquency law, evidentiary issues,
29 and effective trial practice techniques, training should also include important related issues,
30 including child development, alternative resources for families, effects and treatment of substance
31 abuse, domestic violence, abuse, neglect, modification and enforcement of all court orders,
32 dependency, delinquency, guardianships, conservatorships, interviewing children, and
33 emancipation. Education may also include observational experience such as site visits to
34 institutions and operations critical to the juvenile court.

35
36 A significant barrier to the establishment and maintenance of well-trained attorneys is a lack of
37 educational materials relating to juvenile court practice. Law libraries, law offices, and court
38 systems traditionally do not devote adequate resources to the purchase of such educational
39 materials.

40
41 Effective January 1, 1993, guidelines and training material will be available from ~~the~~
42 ~~Administrative Office of the Courts~~ Judicial Council staff.

43

1 **Subdivision (e)(11).** * * *

2
3 **Standard 5.45. Resource guidelines for child abuse and neglect cases**

4
5 **(a)** * * *

6
7 **(b) Distribution of guidelines**

8
9 ~~The Administrative Office of the Courts~~ Judicial Council staff will distribute a
10 copy of the resource guidelines to each juvenile court and will provide individual
11 copies to judicial officers and court administrators on written request.

12
13 *(Subd (b) amended effective January 1, 2016; previously amended effective January 1,*
14 *2007.)*

15
16 *Standard 5.45 amended effective January 1, 2016; adopted as sec. 24.5 effective July 1, 1997;*
17 *previously amended and renumbered as standard 5.45 effective January 1, 2007.*

18
19 **Advisory Committee Comment**

20
21 Child abuse and neglect cases impose a special obligation on juvenile court judges to oversee
22 case progress. Case oversight includes monitoring the agency's fulfillment of its responsibilities
23 and parental cooperation with the case plan. Court involvement in child welfare cases occurs
24 simultaneously with agency efforts to assist the family. Federal and state legal mandates assign to
25 the juvenile court a series of interrelated and complex decisions that shape the course of state
26 intervention and determine the future of the child and family.

27
28 Unlike almost all other types of cases in the court system, child abuse and neglect cases deal with
29 an ongoing and changing situation. In a child welfare case, the court must focus on agency
30 casework and parental behavior over an extended period of time. In making a decision, the court
31 must take into account the agency's plan to help the family and anticipated changes in parental
32 behavior. At the same time, the court must consider the evolving circumstances and needs of each
33 child.

34
35 The purpose of these resource guidelines is to specify the essential elements of properly
36 conducted court hearings. The guidelines describe the requirements of juvenile courts in fulfilling
37 their oversight role under federal and state laws, and they specify the necessary elements of a fair,
38 thorough, and speedy court process in child abuse and neglect cases. The guidelines cover all
39 stages of the court process, from the initial removal hearing to the end of juvenile court
40 involvement. These guidelines assume that the court will remain involved until after the child has
41 been safely returned home, has been placed in another permanent home, or has reached
42 adulthood.

43

1 Currently, juvenile courts in California operate under the same juvenile court law and rules, and
2 yet the rules are implemented with considerable variation throughout the state. In part, this is due
3 to the lack of resource guidelines. The adoption of the proposed resource guidelines will help
4 encourage more consistent juvenile court procedures in the state.

5
6 The guidelines are meant to be goals, and, as such, some of them may appear out of reach
7 because of fiscal constraints or lack of judicial and staff resources. The Judicial Council Family
8 and Juvenile Law Advisory Committee and Judicial Council staff ~~of the Administrative Office of~~
9 ~~the Courts~~ are committed to providing technical assistance to each juvenile court to aid in
10 implementing these goals.

11
12 **Standard 10.16. Model code of ethics for court employees**

13
14 Each trial and appellate court should adopt a code of ethical behavior for its support staff,
15 and in doing so should consider rule 10.670(c)(12) of the California Rules of Court, and
16 the model Code of Ethics for the Court Employees of California approved by the Judicial
17 Council on May 17, 1994, and any subsequent revisions. The approved model code is
18 published by the ~~Administrative Office of the Courts~~ Judicial Council.

19
20 *Standard 10.16 amended effective January 1, 2016; adopted as sec. 35 effective July 1, 1994;*
21 *previously amended and renumbered as standard 10.16 effective January 1, 2007; previously*
22 *amended effective July 1, 2008.*

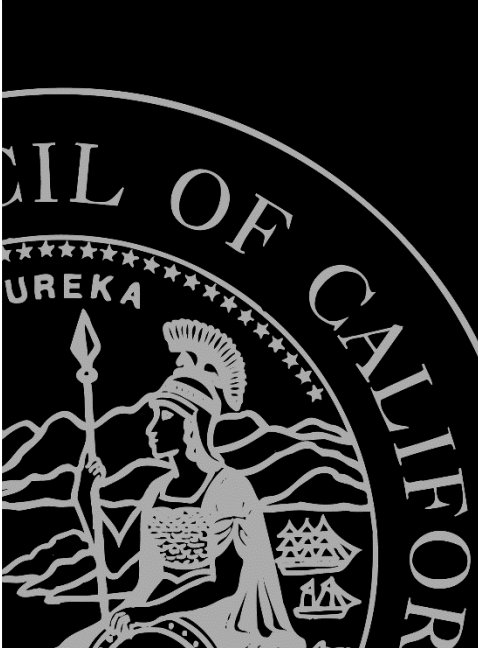
23
24 **Standard 10.80. Court records management standards**

25
26 Each court should develop records management practices consistent with the standards
27 approved by the Judicial Council. The approved standards are specified in Judicial
28 Council Court Records Management Standards, published by the ~~Administrative Office~~
29 ~~of the Courts~~ Judicial Council.

30
31 Implementation of these standards, which cover creation, use, maintenance, and
32 destruction of records, should lead to more efficient court administration, better
33 protection and preservation of records, and improved public access to records.

34
35 *Standard 10.80 amended effective January 1, 2016; adopted as sec. 34 effective January 1, 1993;*
36 *previously amended and renumbered as standard 10.80 effective January 1, 2007.*

37
38



Judicial Council Governance Policies

~~JUNE 2008~~ JANUARY 2016



JUDICIAL COUNCIL
OF CALIFORNIA

Judicial Council Governance Policies

I. Governance Process

A. The Judicial Council

1.-3. * * *

4. Judicial Branch Goals

The Judicial Council develops judicial branch goals in its strategic and operational plans. At six-year intervals, the council develops and approves a long-range strategic plan. At three-year intervals, the council develops and approves an operational plan for the implementation of the strategic plan. Each plan is developed in consultation with branch stakeholders and justice system partners. The goals and priorities of the council are set forth in the *Justice in Focus: The Strategic Plan for the California's Judicial Branch 2006-2012*:

5. * * *

6. Council Officers and Duties

The Judicial Council has ~~seven~~ eight officers: the Chair, Vice-Chair, Secretary, and the chairs of the council's ~~four~~ five internal committees: Executive and Planning, Litigation Management, Policy Coordination and Liaison, ~~and~~ Rules and Projects, and Judicial Council Technology.

The Chief Justice serves as Chair of the council and performs those functions prescribed by the Constitution and the laws of the State of California. The Chair is a voting member of the council.

The Chief Justice appoints a Vice-Chair from among the judicial members of the council. When the Chair is absent, unable to serve, or so directs, the Vice-Chair performs all of the duties of the Chair.

The Chief Justice appoints a Judicial Council member to serve as chair of the council in the event that both the Chief Justice and the council's Vice-Chair are absent or unable to serve. The Chief Justice determines the individuals to serve as chair from among the internal committee chairs and vice-chairs.

The Chief Justice appoints the chairs and vice-chairs of the council's ~~four~~ five internal committees from among the members of the council. Internal committee chairs are appointed for a one-year term. Committee chairs call meetings, as necessary, and provide reports to the council on the activities of the internal committees. ~~Meetings of the internal committees are closed to the public but may be opened at the chair's discretion.~~

The Administrative Director ~~of the Courts~~ serves as Secretary to the council and performs administrative and policymaking functions as provided by the Constitution and the laws of the State of California and as delegated by the council and the Chief Justice (see II.B, *infra*, for duties of the Administrative Director). The Secretary is not a voting member of the council.

Together, the Chief Justice and the Administrative Director, on behalf of the Judicial Council and with regard to the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff, may: (1) make technical changes to the proposed budget, and (2) participate in budget negotiations with the legislative and executive branches consistent with the goals and priorities of the council.

The Chief Justice and the Administrative Director, on behalf of the Judicial Council, also may allocate funding appropriated in the State Budget to the Supreme Court, the Courts of Appeal, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff.

After the end of each fiscal year, the Administrative Director reports to the Judicial Council on actual expenditures in the budgets of the Supreme Court, the Courts of Appeal, the trial courts, the Judicial Council, the Habeas Corpus Resource Center, and the ~~Administrative Office of the Courts~~ Judicial Council staff.

7. * * *

B. Council Internal Committees

The internal committees of the Judicial Council assist the full membership of the council in its responsibilities by providing recommendations in their assigned areas including rules for court administration, practice, and procedure, and by performing duties delegated by the council. Internal committees generally work at the same policy level as the council, focusing on the establishment of policies that emphasize long-term strategic leadership and that align with judicial branch goals.

1. Executive and Planning Committee

The Executive and Planning Committee has the following functions and makes regular reports to the full council on its actions:

a.-e. * * *

f. Developing a schedule of topics about which the council wishes to consider making policy or to receive updates from the Administrative Director or ~~Administrative Office of the Courts~~ Judicial Council staff.

g.-j. * * *

2.-3. * * *

4. Litigation Management Committee

The Litigation Management Committee has the following functions and takes the following actions:

- a. Overseeing litigation and claims against trial court judges, appellate court justices, the Judicial Council, ~~the Administrative Office of the Courts~~, the trial and appellate courts, and the employees of those bodies that seek recovery of \$100,000 or more, or raise important policy or court operations issues, by: (1) reviewing and approving any proposed settlement, stipulated judgment, or offer of judgment; and (2) consulting with the Administrative Director or ~~General~~ Chief Counsel on important strategy issues. Important policy or court operations issues may include whether to initiate litigation on behalf of a court, when to defend a challenged court practice, or how to resolve disputes where the outcome might have statewide implications.
- b. * * *
- c. When necessary, resolving written objections to major strategic decisions, such as retention of counsel and proposed settlements, presented by the ~~General~~ Chief Counsel.

C. Council Advisory Bodies

Council advisory bodies are typically advisory committees and task forces. They use the individual and collective experience, opinions, and wisdom of their members to provide policy recommendations and advice to the council on topics the Chief Justice or the council specifies. The council and its internal committees provide direction to the advisory bodies.

Council advisory bodies work at the same policy level as the council, developing recommendations that focus on strategic goals and long-term impacts that align with judicial branch goals.

Council advisory bodies generally do not implement policy. The council may, however, assign policy-implementation and programmatic responsibilities to an advisory body and may request it make recommendations to staff on implementation of council policy or programs.

Council advisory bodies do not speak or act for the council except when formally given such authority for specific and time-limited purposes.

Council advisory bodies, through staff, are responsible for gathering stakeholder perspectives on policy recommendations they plan to present to the council.

The Chief Justice assigns oversight of each council advisory body to an internal committee. The council gives a general charge to each advisory body specifying the body's subject matter jurisdiction.

1. Council Advisory Committees

a.-b. * * *

c. Advisory committees have limited discretion to pursue matters in addition to those specified by the council in each committee's annual charge, as long as the matters are consistent with a committee's general charge, within the limits of resources available to the committee, and within any other limits specified by the council, the designated internal committee, or the Administrative Director of the Courts.

d.-e. * * *

f. Staff report to the Administrative Director of the Courts. Decisions or instructions of an advisory body or its leader are not binding on the staff except in instances when the council or the Administrative Director has specifically authorized such exercise of authority.

2. Council Task Forces and Other Advisory Bodies

The Chief Justice, Judicial Council, or the Administrative Director of the Courts may establish task forces and other advisory bodies to work on specific projects that cannot be addressed by the council's standing advisory committees. These task forces and other advisory bodies may be required to report to one of the council's internal committees or the Administrative Director, as designated in the charge.

II. Council-Staff Relationship

A. Unity of Control

1. The Judicial Council appoints an Administrative Director of the Courts who serves at the pleasure of the council and performs functions prescribed by the California Constitution and delegated by the council and the Chief Justice. Adopting rules of court administration, practice, and procedure is not delegated to the Administrative Director.

2. * * *

3. The Administrative Director, under the supervision of the Chief Justice, employs, organizes, and directs a staff agency, known as the Administrative Office of the Courts. The Administrative Office of the Courts Judicial Council staff assists the

council and its Chair in carrying out their duties under the Constitution and laws of the State of California.

4. The Administrative Director is responsible for staff performance and has sole authority to assign, supervise, and direct staff. The Administrative Director is responsible for ensuring the completeness and quality of reports and other work product presented to the council. Council members may from time to time request information or assistance from staff, unless in the Director's opinion such requests require an unreasonable amount of staff time or become disruptive. Council members and advisory body members may individually provide information to the Administrative Director on the performance of the Judicial Council staff ~~and the Administrative Office of the Courts~~.

The Administrative Director is responsible for allocating financial and other resources of the ~~Administrative Office of the Courts~~ Judicial Council staff to achieve the goals of the Judicial Council and to implement the council's policies.

B. Relationship of the Administrative Director to the Council's Internal Committees and Advisory Bodies

* * *

C. Accountability of the Administrative Director

The Administrative Director is accountable to the council and the Chair for the performance of the ~~Administrative Office of the Courts~~ Judicial Council staff. The Administrative Director's charge is to accomplish the council's goals and priorities, while avoiding the use of illegal, imprudent, or unethical means.

The Administrative Director reports to the Judicial Council at least once annually on the progress made toward achieving the council's goals. When the council sets the direction on projects or programs that require more than one year to complete, the Administrative Director will report back to the council at regular intervals on status and significant developments.

D. Delegation to the Administrative Director

The Administrative Director may use any reasonable interpretation of Judicial Council policies to achieve the council's goals, consistent with the limitations from the council and the Chief Justice.

In carrying out these duties, the Administrative Director is responsible for allocating the financial and other resources of the ~~Administrative Office of the Courts~~ Judicial Council staff (including, for example, funding the operation of advisory bodies and other activities) to achieve the branch goals and policies adopted by the Judicial Council of California.

1
2
3 **Appendix F**

4 **Guidelines for the Juvenile Dependency Counsel Collections Program**

5 **1-4 * * ***

6
7 **5. Determination of Cost of Legal Services**

8
9 The court is charged with determining the cost of dependency-related legal
10 services. In doing so, the court may adopt one of the three methods in (a)–(c). In no
11 event will the court seek reimbursement of an amount that exceeds the actual cost
12 of legal services already provided to the children and the responsible person in the
13 proceeding. The court may update its determination of the cost of legal services on
14 an annual basis, on the conclusion of the dependency proceedings in the juvenile
15 court, or on the cessation of representation of the child or responsible person.

16
17 **(a) * * ***

18
19 **(b) Cost Model**

20
21 The court may determine the cost of legal services provided to a child or
22 responsible person in a dependency proceeding by applying the Uniform
23 Regional Cost Model available on ~~serranus.jud.ca.gov~~
24 serranus.courtinfo.ca.gov or from jdccp@jud.ca.gov. Use of the cost model
25 as described in this section will ensure that the court seeks reimbursement of
26 an amount that most closely approximates, but does not exceed, the actual
27 cost incurred by the court.

28 **(c) * * ***

29
30 **6-9 * * ***

31
32
33 **10. Collection Services**

34
35 **(a) * * ***

36
37 **(b) Outside Collection Services Providers**

38
39 When appropriate and consistent with policy FIN 10.01, a court may use an
40 outside collection services provider.

41
42 **(1) *Collection Services Provided by County***

1 If collection services are provided by the county, the agreement should
2 be formalized by a memorandum of understanding (MOU) between the
3 court and county. AOC Judicial Council staff will provide a sample
4 MOU on request. An electronic copy of the MOU, including a scanned
5 copy of the completed signature page, must be sent to
6 jdccp@jud.ca.gov.

7
8 (2) *Collection Services Provided by Private Vendor*

9
10 A court that uses a private collection service should use a vendor that
11 has entered into a master agreement with the AOC Judicial Council to
12 provide comprehensive collection services. A court that uses such a
13 vendor should complete a participation agreement and send it to ~~the~~
14 AOC Judicial Council staff via e-mail to jdccp@jud.ca.gov.

15
16 (3) *Court Option for AOC Judicial Council Agreement with Collection
17 Services Provider*

18
19 At a court's request, the AOC Judicial Council may directly enter into
20 an MOU with the county or an agreement with a private collection
21 services vendor for dependency counsel reimbursement collection
22 services.

23
24 **11. * * ***

25
26 **12. Remittance and Reporting of Collected Revenue**

27
28 Courts will remit collected revenue to the AOC Judicial Council, less costs
29 recoverable under section 903.47(a)(1)(B), in the same manner as required under
30 Government Code section 68085.1 and will report this revenue on row 130 of
31 *Court Remittance Advice* (form TC-145). The AOC Judicial Council will deposit
32 the revenue received under these guidelines into the Trial Court Trust Fund.

33
34 **(a) AOC Judicial Council Collections Agreement Option**

35
36 Where the AOC Judicial Council has entered into an MOU or agreement with
37 a county or a private collection services vendor under section 10(b)(3) of
38 these guidelines, funds will be remitted directly to the AOC Judicial Council
39 under the terms of the MOU or the agreement.

40
41 **13. Program Data Reporting**

42

1 Each court should report collections program data to ~~the AOC~~ Judicial Council
2 staff to ensure implementation of the Legislature’s intent by determining the cost-
3 effectiveness of the program and confirming that efforts to collect reimbursement
4 do not negatively impact reunification; to provide a basis for projecting the amount
5 of future reimbursements; and to evaluate the effectiveness of the reimbursement
6 program at both statewide and local levels.

7
8 (a) * * *

9
10 **14. Technical Assistance**

11
12 ~~AOC staff to the~~ Judicial Council staff will provide technical assistance on request
13 to courts that do not yet have a dependency counsel reimbursement program in
14 place or that wish to coordinate with other courts in establishing a regional
15 reimbursement program. Courts may send requests by e-mail to jdccp@jud.ca.gov
16 to receive technical assistance, which can include (but is not limited to) services
17 such as:

18
19 (a)–(c) * * *

20
21 (d) Working with current collection services providers who have entered into
22 master agreements with the ~~AOC~~ Judicial Council to ensure compliance with
23 the JDCCP reporting requirements.

24
25 *Appendix F amended effective January 1, 2016; adopted effective January 1, 2013.*

1 **Rule 5.12. ~~Discovery motions~~ Request for order regarding discovery**

2
3 **(a) Use of terms**

4
5 In a family law proceeding, the term “request for order” has the same meaning as
6 the terms “motion” or “notice of motion” when they are used in the Code of Civil
7 Procedure.

8
9 *(Subd (a) adopted effective July 1, 2016.)*

10
11 **~~(a)(b)~~ Applicable law**

12
13 ~~Family law discovery motions are~~ A request for order regarding discovery in family
14 court is subject to the provisions of for discovery motions under Code of Civil
15 Procedure sections 2016.010 through 2036.050 and Family Code sections 2100 et
16 seq. through 2113 regarding disclosure of assets and liabilities.

17
18 *(Subd (b) amended and relettered effective July 1, 2016; adopted as subd (a).)*

19
20 **~~(b)(c)~~ Applicable rules**

21
22 Discovery proceedings brought in a case under the Family Code must comply with
23 applicable civil rules for motions, including:

24
25 (1)–(5) * * *

26
27 *(Subd (c) amended and relettered effective July 1, 2016; adopted as subd (b).)*

28
29 *Rule 5.12 amended effective July 1, 2016; adopted effective January 1, 2013.*

30
31
32 **Rule 5.62. Appearance by respondent ~~or defendant~~**

33
34 **(a) Use of terms**

35
36 In a family law proceeding, the term “request for order” has the same meaning as
37 the terms “motion” or “notice of motion” when they are used in the Code of Civil
38 Procedure.

39
40 *(Subd (a) adopted effective July 1, 2016.)*

41
42 **~~(a)(b)~~ Appearance**

1 Except as provided in Code of Civil Procedure section 418.10 and Family Code
2 sections 2012 and 3409, a respondent ~~or defendant~~ is deemed to have ~~appeared~~
3 made a general appearance in a proceeding when he or she files:

4
5 (1) * * *

6
7 (2) A ~~notice of motion~~ request for order to strike, under section 435 of the Code
8 of Civil Procedure;

9
10 (3) A ~~notice of motion~~ request for order to transfer the proceeding under section
11 395 of the Code of Civil Procedure; or

12
13 (4) * * *

14
15 *(Subd (b) amended and relettered effective July 1, 2016; adopted as subd (a).)*

16
17 **(b)(c) Notice required after appearance**

18
19 After appearance, the respondent ~~or defendant~~ or his or her attorney is entitled to
20 notice of all subsequent proceedings of which notice is required to be given by
21 these rules or in civil actions generally.

22
23 *(Subd (c) amended and relettered effective July 1, 2016; adopted as subd (b).)*

24
25 **(e)(d) No notice required**

26
27 Where a respondent ~~or defendant~~ has not appeared, notice of subsequent
28 proceedings need not be given to the respondent ~~or defendant~~ except as provided in
29 these rules.

30
31 *(Subd (d) amended and relettered effective January 1, 2016; adopted as subd (c).)*

32
33 *Rule 5.62 amended effective July 1, 2016; adopted effective January 1, 2013.*

34
35 **Rule 5.63. Motion Request for order to quash proceeding or responsive relief**

36
37 **(a) Use of terms**

38
39 In a family law proceeding, the term “request for order” has the same meaning as
40 the terms “motion” or “notice of motion” when they are used in the Code of Civil
41 Procedure.

42
43 *(Subd (a) adopted effective July 1, 2016.)*

1
2 ~~(a)~~(b) * * *

3
4 *(Subd (b) relettered effective July 1, 2016; adopted as subd (a).)*
5

6 ~~(b)~~(c) **Service of respondent's motion request for order to quash**

7
8 The ~~motion request for order~~ request for order to quash must be served in compliance with Code of
9 Civil Procedure section 1005(b). If the respondent files a ~~notice of motion request~~ request
10 for order to quash, no default may be entered, and the time to file a response will be
11 extended until 15 days after service of the court's order denying the ~~motion request~~ request
12 for order to quash.
13

14 *(Subd (c) amended and relettered effective July 1, 2016; adopted as subd (b).)*
15

16 ~~(e)~~(d) * * *

17
18 *(Subd (d) relettered effective July 1, 2016; adopted as subd (c).)*
19

20 ~~(d)~~(e) **Waiver**

21
22 The parties are deemed to have waived the grounds set forth in ~~(a)~~(b) if they do not
23 file a ~~motion request for order~~ request for order to quash within the time frame set forth.
24

25 *(Subd (e) amended and relettered effective July 1, 2016; adopted as subd (d).)*
26

27 ~~(e)~~(f) **Relief**

28
29 When a ~~motion request for order~~ request for order to quash is granted, the court may grant leave to
30 amend the petition or response and set a date for filing the amended pleadings. The
31 court may also dismiss the action without leave to amend. The action may also be
32 dismissed if the ~~motion request for order~~ request for order has been sustained with leave to amend
33 and the amendment is not made within the time permitted by the court.
34

35 *(Subd (f) amended and relettered effective July 1, 2016; adopted as subd (e).)*
36

37 *Rule 5.63 amended effective July 1, 2016; adopted effective January 1, 2013.*
38

39 **Rule 5.92. Request for court order; ~~response~~ responsive declaration**

40

1 **(a) Request for order; procedures**

- 2
- 3 (1) ~~In a family law proceeding other than an action under the Domestic Violence~~
4 ~~Prevention Act or a local child support agency action under the Family Code,~~
5 ~~a notice of motion or order to show cause must be filed on a *Request for*~~
6 ~~*Order* (form FL-300), unless another Judicial Council form has been adopted~~
7 ~~or approved for the specific motion or order to show cause.~~
8
- 9 (2) ~~In an action under the Domestic Violence Prevention Act, a notice of motion~~
10 ~~or order to show cause to modify existing orders that were entered after a~~
11 ~~hearing may be filed on a *Request for Order* (form FL-300).~~
12
- 13 (3) ~~In a local child support action under the Family Code, a notice of motion or~~
14 ~~order to show cause filed by any party other than the local child support~~
15 ~~agency may be filed on a *Request for Order* (form FL-300).~~
16
- 17 (4) ~~The *Request for Order* (form FL-300) must set forth facts sufficient to notify~~
18 ~~the other party of the declarant's contentions in support of the relief~~
19 ~~requested.~~
20
- 21 (5) ~~A completed *Income and Expense Declaration* (form FL-150) or *Financial*~~
22 ~~*Statement (Simplified)* (form FL-155) must be filed with the *Request for*~~
23 ~~*Order* (form FL-300) when relevant to the relief requested unless a current~~
24 ~~form is on file with the court.~~
25
- 26 (6) ~~The moving party must file the documents with the court to obtain a court~~
27 ~~date and then serve a copy on the responding party.~~
28
- 29 (A) ~~If the request for order seeks court orders pending a hearing or seeks an~~
30 ~~order that the other party attend the hearing, the *Request for Order*~~
31 ~~(form FL-300) and appropriate attachments must be served in the~~
32 ~~manner specified for the service of a summons in Code of Civil~~
33 ~~Procedure section 413.10 et seq.~~
34
- 35 (B) ~~If the *Request for Order* (form FL-300) is filed after entry of a~~
36 ~~judgment of dissolution of marriage, nullity of marriage, legal~~
37 ~~separation of the parties, or paternity, or after a permanent order in any~~
38 ~~other proceeding in which the visitation, custody, or support of a child~~
39 ~~was at issue, it must be served as specified in Family Code section 215.~~
40
- 41 (C) ~~All other requests for order and appropriate attachments may be served~~
42 ~~as specified in Code of Civil Procedure section 1010 et seq.~~
43

1 (7) The documents served must include a blank copy of the following:

2
3 (A) *Responsive Declaration to Request for Order* (form FL 320);

4
5 (B) *Income and Expense Declaration* (form FL 150) or *Financial*
6 *Statement (Simplified)* (form FL 155) when completed declarations are
7 among the papers required to be served.

8
9 **(b) Responding papers**

10
11 To respond to the issues raised in the *Request for Order* (form FL 300) and
12 attached papers, the responding party must complete, file, and serve a *Responsive*
13 *Declaration to Request for Order* (form FL 320).

14
15 (1) The *Responsive Declaration to Request for Order* (form FL 320) must set
16 forth facts sufficient to notify the other party of the declarant's contentions in
17 response to the request for order and in support of any relief requested.

18
19 (2) The responding papers may request relief related to the orders requested in
20 the moving papers. Unrelated relief must be sought by filing a separate
21 request for order as specified in (a).

22
23 (3) A completed *Income and Expense Declaration* (form FL 150) or *Financial*
24 *Statement (Simplified)* (form FL 155) must be attached to the *Responsive*
25 *Declaration to Request for Order* (form FL 320) when relevant to the relief
26 requested.

27
28 **(c) Memorandum of points and authorities**

29
30 No memorandum of points and authorities need be filed with a *Request for Order*
31 (form FL 300) or a *Responsive Declaration to Request for Order* (form FL 320)
32 unless required by the court on a case-by-case basis.

33
34 **(d) Additional documents**

35
36 As specified in these rules, the moving and responding parties may be required to
37 complete, file, and serve additional papers to request or respond to a *Request for*
38 *Order* (form FL 300) about child custody and visitation (parenting time), attorney
39 fees and costs, support, and other financial matters.

40
41 **(a) Application**

42
43 (1) In a family law proceeding under the Family Code:

1
2 (A) The term “request for order” has the same meaning as the terms
3 “motion” or “notice of motion” when they are used in the Code of Civil
4 Procedure;

5
6 (B) A Request for Order (form FL-300) must be used to ask for court
7 orders, unless another Judicial Council form has been adopted or
8 approved for the specific request; and

9
10 (C) A Responsive Declaration to Request for Order (form FL-320) must be
11 used to respond to the orders sought in form FL-300, unless another
12 Judicial Council form has been adopted or approved for the specific
13 purpose.

14
15 (2) In an action under the Domestic Violence Prevention Act, a Request for
16 Order (form FL-300) must be used to request a modification or termination
17 of all orders made after a hearing on Restraining Order After Hearing (form
18 DV-130).

19
20 (3) In a local child support action under the Family Code, any party other than
21 the local child support agency must use Request for Order (form FL-300) to
22 ask for court orders.

23
24 (Subd (a) adopted effective July 1, 2016; previous subd (a) repealed effective January 1,

25 2016.)

26
27 **(b) Request for order; required forms and filing procedure**

28
29 (1) The Request for Order (form FL-300) must set forth facts sufficient to notify
30 the other party of the moving party’s contentions in support of the relief
31 requested.

32
33 (2) When a party seeks orders for spousal or domestic partner support, attorney’s
34 fees and costs, or other orders relating to the parties’ property or finances:

35
36 (A) The party must complete an Income and Expense Declaration (form
37 FL-150) and file it with the Request for Order (form FL-300); and

38
39 (B) The Income and Expense Declaration (form FL-150) must be current,
40 as described in rule 5.260 and include the documents specified in form
41 FL-150 that demonstrate the party’s income.

42
43 (3) When seeking child support orders:

1
2 (A) A party must complete an *Income and Expense Declaration* (form FL-
3 150) and file it with the *Request for Order* (form FL-300);
4

5 (B) The *Income and Expense Declaration* (form FL-150) must be current,
6 as described in rule 5.260 and include the documents specified in the
7 form that demonstrate the party's income; and
8

9 (C) A party may complete a current *Financial Statement (Simplified)* (form
10 FL-155) instead of a current *Income and Expense Declaration* (form
11 FL-150) only if the party meets the requirements listed in form FL-155.
12

13 (4) The moving party may be required to complete, file, and have additional
14 forms or attachments served along with a *Request for Order* (form FL-300)
15 when seeking court orders for child custody and visitation (parenting time),
16 attorney's fees and costs, support, and other financial matters. For more
17 information, see *Information Sheet for Request for Order* (form FL-300-
18 INFO).
19

20 (5) The moving party must file the documents with the court clerk to obtain a
21 court date and then have a filed copy served on all parties in the case within
22 the timelines required by law.
23

24 (6) No memorandum of points and authorities need be filed with a *Request for*
25 *Order* (form FL-300) unless required by the court on a case-by-case basis.
26

27 *(Subd (b) adopted effective July 1, 2016; previous subd (b) repealed effective January 1,*
28 *2016.)*
29

30 **(c) Request for temporary emergency (ex parte) orders**
31

32 If the moving party seeks temporary emergency orders pending the hearing, the
33 moving party must:
34

35 (1) Comply with rules 5.151 through 5.169 of the California Rules of Court;
36

37 (2) Complete and include a proposed *Temporary Emergency (Ex Parte) Orders*
38 (form FL-305) with the *Request for Order* (form FL-300); and
39

40 (3) Comply with specified local court procedures and/or local court rules about
41 reserving the day for the temporary emergency hearing, submitting the
42 paperwork to the court, and use of local forms.
43

1 (Subd (c) adopted effective July 1, 2016; previous subd (c) repealed effective January 1,
2 2016.)

3
4 **(d) Request for order shortening time (for service or time until the hearing)**

5
6 If the moving party seeks an order for a shorter time to serve documents or a
7 shorter time until the hearing:

- 8
9 (1) The moving party must submit the request as a temporary emergency order
10 on form FL-300 and comply with the requirements of rules 5.151 through
11 5.169 of the California Rules of Court; and
12
13 (2) The moving party's request must be supported by a declaration or a statement
14 of facts showing good cause for the court to prescribe shorter times for the
15 filing and service of the Request for Order (form FL-300) than the times
16 specified in Code of Civil Procedure section 1005.
17
18 (3) The court may issue the order shortening time in the "Court Orders" section
19 of the Request for Order (form FL-300).

20
21 (Subd (d) adopted effective July 1, 2016; previous subd (d) repealed effective January 1,
22 2016.)

23
24 **(e) Issuance by court clerk**

25
26 The court clerk's authority to issue a Request for Order (form FL-300) as a
27 ministerial act is limited to those orders or notices:

- 28
29 (1) For the parties to attend orientation and confidential mediation or child
30 custody recommending counseling; and
31
32 (2) That may be delegated by a judicial officer and do not require the use of
33 judicial discretion.

34
35 (Subd (e) adopted effective July 1, 2016.)

36
37 **(f) Request for order; service requirements**

- 38
39 (1) The Request for Order (form FL-300) and appropriate documents or orders
40 must be served in the manner specified for the service of a summons in Code
41 of Civil Procedure sections 415.10 through 415.95, including personal
42 service, if:

43

1 (A) The court granted temporary emergency orders pending the hearing;

2
3 (B) The responding party has not yet appeared in the case as described in
4 rule 5.62; or

5
6 (C) The court ordered personal service on the other party.

7
8 (2) A *Request for Order* (form FL-300) must be served as specified in Family
9 Code section 215 if filed after entry of a family law judgment or after a
10 permanent order was made in any proceeding in which there was at issue the
11 custody, visitation (parenting time), or support of a child.

12
13 (A) Requests to change a judgment or permanent order for custody,
14 visitation (parenting time), or support of a child may be served by mail
15 on the other party or parties only if the moving party can verify the
16 other parties' current address.

17
18 (B) *Declaration Regarding Address Verification* (form FL-334) may be
19 used as the address verification required by Family Code section 215.
20 The completed form, or a declaration that includes the same
21 information, must be filed with the proof of service of the *Request for*
22 *Order*.

23
24 (3) All other requests for orders and appropriate documents may be served as
25 specified in Code of Civil Procedure section 1010 et seq., including service
26 by mail.

27
28 (4) The following blank forms must be served with a *Request for Order* (form
29 FL-300):

30
31 (A) *Responsive Declaration to Request for Order* (form FL-320); and

32
33 (B) *Income and Expense Declaration* (form FL-150), when the requesting
34 party is serving a completed FL-150 or FL-155.

35
36 *(Subd (f) adopted effective July 1, 2016.)*

37
38 **(g) Responsive declaration to request for order; procedures**

39
40 To respond to the issues raised in the *Request for Order* (form FL-300) and
41 accompanying papers, the responding party must complete, file, and have a
42 *Responsive Declaration to Request for Order* (form FL-320) served on all parties in
43 the case.

- 1
2 (1) The Responsive Declaration to Request for Order (form FL-320) must set
3 forth facts sufficient to notify the other party of the declarant’s contentions in
4 response to the request for order and in support of any relief requested.
5
6 (2) The responding party may request relief related to the orders requested in the
7 moving papers. However, unrelated relief must be sought by scheduling a
8 separate hearing using Request for Order (form FL-300) and following the
9 filing and service requirements for a Request for Order described in this rule.
10
11 (3) A completed Income and Expense Declaration (form FL-150) must be filed
12 with the Responsive Declaration to Request for Order (form FL-320)
13 following the same requirements specified above in rule 5.92(b)(2) and
14 (b)(3).
15
16 (4) The responding party may be required to complete, file, and serve additional
17 forms or attachments along with a Responsive Declaration to Request for
18 Order (form FL-320) when responding to a Request for Order (form FL-300)
19 about child custody and visitation (parenting time), attorney fees and costs,
20 support, and other financial matters. For more information, read Information
21 Sheet: Responsive Declaration to Request for Order (form FL-320-INFO).
22
23 (5) No memorandum of points and authorities need be filed with a Responsive
24 Declaration to Request for Order (form FL-320) unless required by the court
25 on a case-by-case basis.
26
27 (6) A Responsive Declaration to Request for Order (form FL-320) may be
28 served on the parties by mail, unless otherwise required by court order.
29

30 *(Subd (g) adopted effective July 1, 2016.)*

31
32 *Rule 5.92 amended effective July 1, 2016; adopted effective July 1, 2012.*

33
34 **Advisory Committee Comment**

35
36 The Family and Juvenile Law Advisory Committee and the Elkins Implementation Task Force
37 developed rule 5.92 and Request for Order (form FL-300) in response to Elkins Family Law Task
38 Force: Final Report and Recommendations (April 2010) for one comprehensive form and related
39 procedures to replace the Order to Show Cause (form FL-300) and Notice of Motion (form FL-
40 301). (See page 35 of the final report online at www.courts.ca.gov/elkins-finalreport.pdf.)
41

1 **Rule 5.151. Request for temporary emergency (ex parte) orders; application;**
2 **required documents**

3
4 **(a)–(b) * * ***

5
6 **(c) Required documents**

7
8 A request for emergency orders must be in writing and must include all of the
9 following completed documents ~~when relevant to the relief requested:~~

- 10
11 (1) *Request for Order* (form FL-300) that identifies the relief requested;
12
13 (2) When relevant to the relief requested, a current *Income and Expense*
14 *Declaration* (form FL-150) or *Financial Statement (Simplified)* (form FL-
15 *155*) and *Property Declaration* (form FL-160);
16
17 (3) *Temporary Emergency (Ex Parte) Orders* (form FL-305) to serve as the
18 proposed temporary order;
19
20 (4) A written declaration regarding notice of application for emergency orders
21 based on personal knowledge ~~and;~~ *Declaration Regarding Notice and*
22 *Service of Request for Temporary Emergency (Ex Parte) Orders* (form FL-
23 *303*), a local court form, or a declaration that contains the same information
24 as form FL-303 may be used for this purpose.

25
26 (5) * * *

27
28 *(Subd (c) amended effective July 1, 2016.)*

29
30 **(d)–(e) * * ***

31
32 *Rule 5.151 amended effective July 1, 2016; adopted effective January 1, 2013.*

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