

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on April 15, 2016,
effective on July 1, 2016

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1 **Rule 2.257. Requirements for signatures on documents**

2
3 **(a) Documents signed under penalty of perjury**

4
5 When a document to be filed electronically provides for a signature under penalty
6 of perjury, the following applies:

7
8 (1) * * *

9
10 (2) By electronically filing the document, the electronic filer certifies that (1) has
11 been complied with and that the original, signed document is available for
12 inspection and copying at the request of the court or any other party. Local
13 child support agencies may maintain original, signed pleadings by way of an
14 electronic copy in the statewide automated child support system and must
15 maintain them only for the period of time stated in Government Code section
16 68152(a). If the local child support agency maintains an electronic copy of
17 the original, signed pleading in the statewide automated child support system,
18 it may destroy the paper original.

19
20 (3)–(5) * * *

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

23
24 **(b)–(e) * * ***

25
26 *Rule 2.257 amended effective July 1, 2016; adopted as rule 2057 effective January 1, 2003;*
27 *previously amended and renumbered effective January 1, 2007; previously amended effective*
28 *January 1, 2008.*

29
30 **Rule 2.895. Requests for interpreters**

31
32 **(a) Publish procedures**

33
34 Each court must publish procedures for filing, processing, and responding to
35 requests for interpreters consistent with the *Strategic Plan for Language Access in*
36 *the California Courts* (adopted January 2015). Each court must publish notice of
37 these procedures in English and up to five other languages, based on local
38 community needs.

39
40 **(b) Track requests**

1 Each court must track all requests for language services and whether such services
2 were provided. Tracking must include all requests for court interpreters in civil
3 actions, as well as approvals and denials of such requests.

4
5 **(c) Notify court if represented party will not be appearing**

6
7 If a party who has requested an interpreter for herself or himself is represented by
8 counsel, the attorney must notify the court in advance whenever the party will not
9 be appearing at a noticed proceeding.

10
11 *Rule 2.895 adopted effective July 1, 2016.*

12
13 **Advisory Committee Comment**

14
15 The *Request for Interpreter (Civil)* (form INT-300) is concurrently adopted as a model form that
16 will become an optional form, effective January 1, 2018. Until that time, the form can serve as a
17 model that courts may use as part of their procedures, as required under this rule.

18
19 This rule shall not be construed in a way that conflicts with Evidence Code section 756.

20
21 **Subdivision (a).** “Local community needs” is described in recommendation 5 of the *Strategic*
22 *Plan for Language Access in the California Courts* (adopted January 2015).

23
24 **Subdivision (b).** The committee recommends electronic processing of civil interpreter requests to
25 aid the court in data collection about the provision or denial of language services.

26
27 **Chapter 4.5. Expedited Jury Trials**

28
29 **Article 1. Applicability**

30
31 **Rule 3.1545. Expedited jury trials**

32
33 **(a) Application**

34
35 The rules in this chapter apply to civil actions in which the parties either:

- 36
37 (1) Agree to ~~an~~ a voluntary expedited jury trial under chapter 4.5 (commencing
38 with section 630.01) of title 8 of part 2 of the Code of Civil Procedure, or
39
40 (2) Are required to take part in an expedited jury trial under chapter 4.6
41 (commencing with section 630.20) of title 8 of part 2 of the Code of Civil
42 Procedure.

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

2
3 **(b) Definitions**

4
5 As used in this chapter, unless the context or subject matter otherwise requires:

6
7 (1) * * *

8
9 (2) “Expedited jury trial” is a short jury trial before a reduced jury panel, and
10 may be either a “mandatory expedited jury trial” or “voluntary expedited jury
11 trial”.

12
13 (3) “Mandatory expedited jury trial” has the same meaning as stated in Code of
14 Civil Procedure section 630.21.

15
16 (4) “Voluntary expedited jury trial” has the same meaning as stated for
17 “expedited jury trial” in Code of Civil Procedure section 630.01.

18
19 (5) “Expedited jury trial” “High/low agreement” and “posttrial motions” have the
20 same meanings as stated in Code of Civil Procedure section 630.01.

21
22 (Subd (b) amended effective July 1, 2016.)

23
24 **(c) * * ***

25
26 *Rule 3.1545 amended effective July 1, 2016; adopted effective January 1, 2011.*

27
28 **Article 2. Rules Applicable Only to Cases with Mandatory Expedited Jury Trials**

29
30 **Former rule 3.1546. Renumbered effective July 1, 2016**

31 *Rule 3.1546 renumbered as rule 3.1553.*

32
33 **Rule 3.1546. Pretrial procedures for mandatory expedited jury trials**

34
35 **(a) Pretrial procedures**

36
37 The pretrial procedures for limited civil actions set out in Code of Civil Procedure
38 sections 90–100 are applicable to all cases with mandatory expedited jury trials.
39 The statutory procedures include limited discovery, optional case questionnaires,
40 optional requests for pretrial statements identifying trial witnesses and exhibits, and
41 the possibility of presenting testimony in the form of affidavits or declarations.
42

1 **(b) Case management**

2
3 The case management rules in chapter 3 of division 7 of these rules, starting at rule
4 3.720, are applicable to all cases with mandatory expedited jury trials, except to the
5 extent the rules have been modified by local court rules applicable to limited civil
6 cases.

7
8 **(c) Opting out of mandatory expedited jury trial procedures**

9
10 (1) Parties seeking to opt out of mandatory expedited jury trial procedures on
11 grounds stated in Code of Civil Procedure section 630.20(b) must file a *Request*
12 *to Opt Out of Mandatory Expedited Jury Trial Procedures* (form EJT-003).

13
14 (2) Except on a showing of good cause, the request to opt out must be served and
15 filed at least 45 days before the date first set for trial or, in cases in which the
16 date first set for trial occurred before July 1, 2016, 45 days before the first trial
17 date after July 1, 2016.

18
19 (3) Except on a showing of good cause, any objection to the request must be served
20 and filed within 15 days after the date of service of the request, on an
21 *Opposition to Request to Opt Out of Mandatory Expedited Jury Trial*
22 *Procedures* (form EJT-004).

23
24 (4) If the grounds on which a party or parties have opted out of mandatory
25 expedited jury trial procedures no longer apply to a case, the parties must
26 promptly inform the court, and the case may be tried as a mandatory expedited
27 jury trial.

28
29 **(d) Agreements regarding pretrial and trial procedures**

30
31 Parties are encouraged to agree to procedures or limitations on pretrial procedures
32 and on presentation of information at trial that could streamline the case, including
33 but not limited to those items described in rule 3.1547(b). The parties may use
34 *Agreement of Parties (Mandatory Expedited Jury Trial Procedures)* (form EJT-
35 018) and the attachment (form EJT-022A) to describe such agreements.

36
37 *Rule 3.1546 adopted effective July 1, 2016.*

38
39 **Advisory Committee Comment**

40
41 Because Code of Civil Procedure section 630.20, which becomes operative July 1, 2016, applies
42 to cases already on file and possibly already set for trial, as well as cases filed after the statutory
43 provisions go into effect, the deadlines in rule 3.1546(c) for opt outs and objections may be
44 problematic as applied to cases set for trial within the first couple of months after the rule goes

1 into effect. It is expected that the good cause provisions within the rules regarding deadlines,
2 along with judicious use of continuances as appropriate, will be liberally used to permit courts to
3 manage those cases fairly, appropriately, and efficiently.

4
5 **Article 3. Rules Applicable Only to Cases with Voluntary Expedited Jury Trials**

6
7 **Rule 3.1547. Consent order for voluntary expedited jury trial**

8
9 **(a) Submitting proposed consent order to the court**

10
11 (1) Unless the court otherwise allows, to be eligible to participate in ~~an~~ a
12 voluntary expedited jury trial, the parties must submit to the court, no later
13 than 30 days before any assigned trial date, a proposed consent order granting
14 an expedited jury trial.

15
16 (2) * * *

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

19
20 **(b) Optional content of proposed consent order**

21
22 In addition to complying with the provisions of Code of Civil Procedure section
23 630.03(e), the proposed consent order may include other agreements of the parties,
24 including the following:

25
26 (1) Modifications of the requirements or timelines for pretrial submissions
27 required by rule 3.1548;

28
29 (2)–(3) * * *

30
31 (4) Allocation of the time periods stated in rule 3.1550 including how arguments
32 and cross-examination may be used by each party in the ~~three~~ five-hour time
33 frame;

34
35 (5)–(12) * * *

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

38
39 *Rule 3.1547 amended effective July 1, 2016; adopted effective January 1, 2011.*

40
41 **Rule 3.1548. Pretrial submissions for voluntary expedited jury trials**

1 (a) * * *

2
3 (b) **Pretrial exchange for voluntary expedited jury trials**

4
5 Unless otherwise agreed by the parties, no later than 25 days before trial, each party
6 must serve on all other parties the following:

7
8 (1)–(10) * * *

9
10 *(Subd (b) amended effective July 1, 2016.)*

11
12 (c) **Supplemental exchange for voluntary expedited jury trials**

13
14 * * *

15
16 *(Subd (c) amended effective July 1, 2016.)*

17
18 (d) **Submissions to court for voluntary expedited jury trials**

19
20 * * *

21
22 *(Subd (d) amended effective July 1, 2016.)*

23
24 (e) * * *

25
26 (f) **Pretrial conference for voluntary expedited jury trials**

27
28 No later than 15 days before trial, unless that period is modified by the consent
29 order, the judicial officer assigned to the case must conduct a pretrial conference, at
30 which time objections to any documentary evidence previously submitted will be
31 ruled on. If there are no objections at that time, counsel must stipulate in writing to
32 the admissibility of the evidence. Matters to be addressed at the pretrial conference,
33 in addition to the evidentiary objections, include the following:

34
35 (1)–(9) * * *

36
37 (10) Allocation of time for each party's case; ~~and~~

38
39 (11) Motions in limine filed before the pretrial conference; and

40
41 (12) The parties' intention on how any high/low agreement will affect an award of
42 fees and costs.

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

2
3 (g) * * *

4
5 Rule 3.1548 amended effective July 1, 2016; adopted effective January 1, 2011.

6
7 **Article 4. Rules Applicable to All Expedited Jury Trials**

8
9 **Rule 3.1549. Voir dire**

10
11 ~~Approximately one hour will be devoted to voir dire, with 15 minutes allotted to the~~
12 ~~judicial officer and 15 minutes to each side.~~ Parties are encouraged to submit a joint form
13 questionnaire to be used with prospective jurors to help expedite the voir dire process.

14
15 Rule 3.1549 amended effective July 1, 2016; adopted effective January 1, 2011.

16
17 **Rule 3.1550. Time limits**

18
19 ~~Excluding~~ Including jury selection ~~voir dire~~, each side will be allowed ~~three~~ five hours to
20 present its case, including opening statements and closing arguments, unless the court,
21 upon a finding of good cause, allows additional time. The amount of time allotted for
22 each side includes the time that the side spends on cross-examination. The parties are
23 encouraged to streamline the trial process by limiting the number of live witnesses. The
24 goal is to complete an expedited jury trial within ~~one full~~ two trial days.

25
26 Rule 3.1550 amended effective July 1, 2016; adopted effective January 1, 2011.

27
28 **Rule 3.1551. Case presentation**

29
30 (a) * * *

31
32 (b) **Exchange of items**

33
34 Anything to be submitted to the jury under (a) as part of the evidentiary
35 presentation of the case in chief must be exchanged 20 days in advance of the trial,
36 unless that period is modified by the consent order or agreement of the parties. This
37 rule does not apply to items to be used solely for closing argument.

38
39 (Subd (b) amended effective July 1, 2016.)

40
41 (c) * * *

42
43 Rule 3.1551 amended effective July 1, 2016; adopted effective January 1, 2011.

1
2 **Rule 3.1552. Presentation of evidence**

3
4 **(a) Stipulations regarding rules of evidence**

5
6 The parties may offer such evidence as is relevant and material to the dispute. An
7 agreement to modify the rules of evidence for the trial made pursuant to the
8 expedited jury trial statutes commencing with Code of Civil Procedure section
9 630.01 may be included in the consent order or agreement of the parties. To the
10 extent feasible, the parties should stipulate to modes and methods of presentation
11 that will expedite the process, either in the consent order or at the pretrial
12 conference.

13
14 *(Subd (a) amended effective July 1, 2016.)*

15
16 **(b) * * ***

17
18 *Rule 3.1552 amended effective July 1, 2016; adopted effective January 1, 2011.*

19
20 **Rule ~~3.1553~~3.1546. Assignment of judicial officers**

21
22 The presiding judge is responsible for the assignment of a judicial officer to conduct an
23 expedited jury trial. The presiding judge may assign a temporary judge appointed by the
24 court under rules 2.810–2.819 to conduct an expedited jury trial. A temporary judge
25 requested by the parties under rules 2.830–2.835, whether or not privately compensated,
26 may not be appointed to conduct ~~an~~ a voluntary expedited jury trial.

27
28 *Rule 3.1553 amended and renumbered effective July 1, 2016; adopted as rule 3.1546 effective*
29 *January 1, 2011.*

30
31 **Rule 5.94. Order shortening time; other filing requirements; request to continue**
32 **hearing and extend temporary emergency (ex parte) orders**

33
34 **(a)–(b) * * ***

35
36 **(c)(d) Filing of late papers**

37
38 ~~No moving or responding~~ papers relating to a request for order or responsive
39 declaration to the request may be rejected for filing on the ground that ~~it was~~ they
40 were untimely submitted for filing. If the court, in its discretion, refuses to consider
41 a late filed paper, the minutes or order must so indicate.

42
43 *(Subd (c) amended and relettered effective July 1, 2016; adopted as subd (d).)*

1
2 **(d)(e) Computation of Timely submission to court clerk**

3
4 ~~Moving~~ The papers requesting an order or responding to the request papers are
5 deemed timely filed if they are submitted before the close of the clerk's office to
6 the public on the day that the paper is due is deemed timely filed.

7
8 (1) Before the close of the court clerk's office to the public; and

9
10 (2) On or before the day the papers are due.

11
12 *(Subd (d) amended and relettered effective July 1, 2016; adopted as subd (e).)*

13
14 **(e)(e) Failure to timely serve ~~moving papers~~ request for order and temporary**
15 **emergency (ex parte) orders**

16
17 ~~If a Request for Order (FL-300) is not timely served on the opposing party, the~~
18 ~~moving party must notify the court as soon as possible before the date assigned for~~
19 ~~the court hearing and request a new hearing date to allow additional time to serve~~
20 ~~the Request for Order (FL-300) and supporting documents.~~

21
22 ~~The moving party must also request that the court reissue the Request for Order~~
23 ~~(FL-300) and any temporary orders. To do so, the moving party must complete and~~
24 ~~submit to the court an Application and Order for Reissuance of Request for Order~~
25 ~~(form FL-306).~~

26
27 The Request for Order (form FL-300) and Temporary Emergency (Ex Parte)
28 Orders (form FL-305) will expire on the date and time of the scheduled hearing if
29 the requesting party fails to:

30
31 (1) Have the other party timely served before the hearing with the Request for
32 Order (form FL-300), supporting documents, and any orders issued on
33 Temporary Emergency (Ex Parte) Orders (form FL-305); or

34
35 (2) Obtain a court order to continue the hearing.

36
37 *(Subd (e) amended and relettered effective July 1, 2016; adopted as subd (c).)*

38
39 **(f) Procedures to request continued hearing date and extension of temporary**
40 **emergency (ex parte) orders**

41
42 (1) If a Request for Order (form FL-300) that includes temporary emergency
43 orders is not timely served on the other party before the date of the hearing,

1 and the party granted the temporary emergency (ex parte) orders wishes to
2 proceed with the request, he or she must ask the court to continue the hearing
3 date. On a showing of good cause, or on its own motion, the court may:
4

5 (A) Continue the hearing and extend the expiration date of the temporary
6 emergency orders until the end of the continued hearing or to another
7 date ordered by the court.
8

9 (B) Modify the temporary emergency (ex parte) orders.
10

11 (C) Terminate the temporary emergency (ex parte) orders.
12

13 (2) The party served with a *Request for Order* (form FL-300) that includes
14 temporary emergency (ex parte) orders:
15

16 (A) Is entitled to one continuance for a reasonable period of time to respond
17 and, thereafter, to a continuance based on a showing of good cause.
18

19 (B) Must file and serve a *Responsive Declaration to Request for Order*
20 (form FL-320) as required by the court order.
21

22 (3) The following procedures apply to either party's request to continue the
23 hearing:
24

25 (A) The party asking for the continuance must complete and submit an
26 original *Request and Order to Continue Hearing and Extend*
27 *Temporary Emergency (Ex Parte) Orders* (form FL-306) with two
28 copies for the court to review, as follows:
29

30 (i) The form should be submitted to the court no later than five
31 court days before the hearing date originally set on the *Request*
32 *for Order*.
33

34 (ii) The party may present the form to the court at the hearing of the
35 *Request for Order*.
36

37 (iii) The party who makes an oral request to the court on the date of
38 the hearing is also required to complete and submit form FL-
39 306 if the court grants the request.
40

41 (B) After the court signs and files form FL-306, a filed copy must be served
42 on the other party, unless the court orders otherwise. If the continuance
43 is granted:
44

1 (i) Before the other party is served with notice of the hearing and
2 temporary emergency (ex parte) orders, then form FL-306 must
3 be attached as the cover page and served along with the *Request*
4 *for Order* (form FL-300), the original or modified temporary
5 emergency (ex parte) orders, and supporting documents.

6
7 (ii) To the responding party, and the party who asked for the
8 temporary emergency order was absent when the continuance
9 was granted, then form FL-306 must be attached as the cover
10 page to any documents the court orders served on that party.

11
12 (iii) Service must be in the manner required by rule 5.92 or as
13 ordered by the court.

14
15 (C) If the *Request and Order to Continue Hearing and Extend Temporary*
16 *Emergency (Ex Parte) Orders* (form FL-306), *Request for Order* (FL-
17 300), original or modified temporary emergency order, and supporting
18 documents are not timely served on the other party, and the requesting
19 party wishes to proceed with the hearing, he or she must repeat the
20 procedures in this rule.

21
22 (Subd (f) adopted effective July 1, 2016.)

23
24 Rule 5.94 amended effective July 1, 2016; adopted effective January 1, 2013.

25 26 Chapter 6. Request for Court Orders

27 28 Article 6. Special Immigrant Juvenile Findings

29 30 Rule 5.130. Request for Special Immigrant Juvenile findings

31 32 (a) Application

33
34 This rule applies to a request by or on behalf of a minor child who is a party or the
35 child of a party in a proceeding under the Family Code for the judicial findings
36 needed as a basis for filing a federal petition for classification as a Special
37 Immigrant Juvenile (SIJ). This rule also applies to an opposition to such a request,
38 a hearing on such a request or opposition, and judicial findings in response to such
39 a request.

40 41 (b) Request for findings

1 Unless otherwise required by law or this rule, the rules in this chapter governing a
2 request for court orders in family law proceedings also apply to a request for SIJ
3 findings in those proceedings.

4
5 (1) Who may file

6
7 Any person—including the child’s parent, the child if authorized by statute,
8 the child’s guardian ad litem, or an attorney appointed to represent the
9 child—authorized by the Family Code to file a petition, response, request for
10 order, or responsive declaration to a request for order in a proceeding to
11 determine custody of a child may file a request for SIJ findings with respect
12 to that child.

13
14 (2) Form of request

15
16 A request for SIJ findings must be made using *Confidential Request for*
17 *Special Immigrant Juvenile Findings—Family Law* (form FL-356). The
18 completed form may be filed in any proceeding under the Family Code in
19 which a party is requesting sole physical custody of the child who is the
20 subject of the requested findings:

21
22 (A) At the same time as, or any time after, the petition or response;

23
24 (B) At the same time as, or any time after, a *Request for Order* (form FL-
25 300) or a *Responsive Declaration to Request for Order* (form FL-320)
26 requesting sole physical custody of the child; or

27
28 (C) In an initial action under the Domestic Violence Prevention Act, at the
29 same time as, or any time after, a *Request for Domestic Violence*
30 *Restraining Order (Domestic Violence Prevention)* (form DV-100) or
31 *Response to Request for Domestic Violence Restraining Order*
32 *(Domestic Violence Prevention)* (form DV-120) requesting sole
33 physical custody of the child.

34
35 (3) Separate filing

36
37 A request on form FL-356 filed at the same time as any of the papers in (A),
38 (B), or (C) must be filed separately from, and not as an attachment to, that
39 paper.

40
41 (4) Separate form for each child

1 A separate form FL-356 must be filed for each child for whom SIJ findings
2 are requested.

3
4 **(c) Notice of hearing**

5
6 Notice of a hearing on a request for SIJ findings must be served with a copy of the
7 request and all supporting papers in the appropriate manner specified in rule
8 5.92(a)(6)(A)–(C) on the following persons:

- 9
10 (1) All parties to the underlying family law case;
11
12 (2) All alleged, biological, and presumed parents of the child who is the subject
13 of the request; and
14
15 (3) Any other person who has physical custody or is likely to claim a right to
16 physical custody of the child who is the subject of the request.

17
18 **(d) Response to request**

19
20 Any person entitled under (c) to notice of a request for SIJ findings with respect to
21 a child may file and serve a response to such a request using *Confidential Response*
22 to Request for Special Immigrant Juvenile Findings (form FL-358).

23
24 **(e) Hearing on request**

25
26 To obtain a hearing on a request for SIJ findings, a person must file and serve a
27 *Confidential Request for Special Immigrant Juvenile Findings—Family Law* (form
28 FL-356) for each child who is the subject of such a request.

- 29
30 (1) A request for SIJ findings and a request for an order of sole physical custody
31 of the same child may be heard and determined together.
32
33 (2) The court may consolidate into one hearing separate requests for SIJ findings
34 for more than one sibling or half sibling named in the same family law case
35 or in separate family law cases.
36
37 (3) If custody proceedings relating to siblings or half siblings are pending in
38 multiple departments of a single court or in the courts of more than one
39 California county, the departments or courts may communicate about
40 consolidation consistent with the procedures and limits in Family Code
41 section 3410(b)–(e).
42

1 **(f) Separate findings for each child**

2
3 The court must make separate SIJ findings with respect to each child for whom a
4 request is made, and the clerk must issue a separate *Special Immigrant Juvenile*
5 *Findings* (form FL-357) for each child with respect to whom the court makes SIJ
6 findings.

7
8 **(g) Confidentiality (Code Civ. Proc., § 155(c))**

9
10 The forms *Confidential Request for Special Immigrant Juvenile Findings—Family*
11 *Law* (form FL-356), *Confidential Response to Request for Special Immigrant*
12 *Juvenile Findings* (form FL-358), and *Special Immigrant Juvenile Findings* (form
13 FL-357) must be kept in a confidential part of the case file or, alternatively, in a
14 separate, confidential file. Any information regarding the child’s immigration status
15 contained in a record related to a request for SIJ findings kept in the public part of
16 the file must be redacted to prevent its inspection by any person not authorized
17 under Code of Civil Procedure section 155(c).

18
19 *Rule 5.130 adopted effective July 1, 2016.*

20
21 **Rule 5.524. Form of petition; notice of hearing**

22
23 **(a)–(d) * * ***

24
25 **(e) Notice of hearing—dependency (§§ 290.1, 290.2, 297, 338)**

26
27 (1) When the petition is filed, the probation officer or social worker must serve a
28 notice of hearing under section 290.1, with a copy of the petition attached.
29 On filing of the petition, the clerk must issue and serve notice as prescribed in
30 section 290.2, along with a copy of the petition. CASA volunteers are entitled
31 to the same notice as stated in sections 290.1 and 290.2.

32
33 (2) If the county and the court choose to allow notice by electronic mail of
34 hearings under sections 290.1–295, the court must develop a process for
35 obtaining consent from persons entitled to notice that complies with the
36 notice statute and ensures that notice can be effectuated according to statutory
37 timelines.

38
39 *(Subd (e) amended effective July 1, 2016; adopted as subd (d); previously amended and*
40 *relettered effective January 1, 2006; previously amended effective January 1, 2007.)*

41
42 **(f)–(h) * * ***

1 *Rule 5.524 amended effective July 1, 2016; adopted as rule 1407 effective January 1, 1991;*
2 *previously amended effective January 1, 1992, January 1, 1995, January 1, 2001, and January 1,*
3 *2006; previously amended and renumbered as rule 5.524 effective January 1, 2007.*

4
5 **Rule 5.534. General provisions—all proceedings**

6
7 **(a)–(l) * * ***

8
9 **(m) Address of parent or guardian—notice (§ 316.1)**

10
11 At the first appearance by a parent or guardian in proceedings under section 300 et
12 seq., the court must order each parent or guardian to provide a mailing address.

13
14 **(1)–(3) * * ***

15
16 **(4) If the county and the court allow notice of hearings under sections 290.1–295**
17 **by electronic mail, persons who are entitled to notice and who want to**
18 **receive notice of hearings by electronic mail must indicate their consent by**
19 **filing *E-Mail Notice of Hearing: Consent, Withdrawal of Consent, Address***
20 **Change (Juvenile Dependency) (form EFS-005-JV/JV-141).**

21
22 *(Subd (m) amended effective July 1, 2016; adopted as subd (k) effective January 1, 1994;*
23 *previously relettered as subd (l) effective January 1, 1997; previously amended effective*
24 *July 1, 2002, and January 1, 2007; previously relettered as subd (m) effective January 1,*
25 *2008.)*

26
27 **(n)–(p) * * ***

28
29 *Rule 5.534 amended effective July 1, 2016; adopted as rule 1412 effective January 1, 1991;*
30 *previously amended and renumbered as rule 5.534 effective January 1, 2007; previously*
31 *amended effective January 1, 1994, July 1, 1995, January 1, 1997, January 1, 2000, July 1, 2002,*
32 *January 1, 2005, October 1, 2007, January 1, 2008, January 1, 2010, January 1, 2011, January*
33 *1, 2014, and January 1, 2016.*

34
35 **Rule 5.550. Continuances**

36
37 **(a) Cases petitioned under section 300 (§§ 316.2, 352, 354)**

38
39 **(1)–(5) * * ***

40
41 ~~**(6) Failure of an alleged father to return a certified mail receipt of notice as**~~
42 ~~**described in rule 5.667 does not, in and of itself, constitute good cause to**~~
43 ~~**continue a hearing.**~~

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(Subd (a) amended effective July 1, 2016; previously amended effective January 1, 1999, July 1, 2002, and January 1, 2007.)

(b)–(c) * * *

Rule 5.550 amended effective July 1, 2016; adopted effective January 1, 1991; previously amended effective January 1, 1998, January 1, 1999, and July 1, 2002; previously amended and renumbered as rule 5.550 effective January 1, 2007.

Rule 5.630. Restraining orders

(a)–(d) * * *

(e) Reissuance/Continuance

(1) ~~The court may, on its own motion or the filing of a declaration by the person seeking the restraining order, find that the person to be restrained could not be served within the time required by the law and reissue an order previously issued and dissolved by the court for failure to serve the person to be restrained.~~ The court may grant a continuance under Welfare and Institutions Code section 213.5.

~~(2) The reissued order must state on its face the date of expiration of the order.~~

~~(3)~~(2) ~~Either *Application Request and Order for Reissuance of to Continue Hearing (Temporary Restraining Order—Juvenile)* (form JV-251) or a new *Notice of Hearing and Temporary Restraining Order—Juvenile* (form JV-250) must be used for this purpose.~~

(Subd (e) amended effective July 1, 2016; adopted as subd (g) effective January 1, 2003; amended and relettered effective January 1, 2012; previously amended effective January 1, 2004, January 1, 2007, and January 1, 2014.)

(f)–(k) * * *

Rule 5.630 amended effective July 1, 2016; adopted as rule 1429.5 effective January 1, 2000; amended and renumbered effective January 1, 2007; previously amended effective January 1, 2003, January 1, 2004, January 1, 2012, January 1, 2014, and July 1, 2014.

Rule 5.640. Psychotropic medications

1 (a) * * *

2
3 (b) **Authorization to administer (§§ 369.5, 739.5)**

4
5 (1)–(2) * * *

6
7 (3) The court must grant or deny the application using *Order on Application for*
8 *Psychotropic Medication* (form JV-223).

9
10 (*Subd (b) amended effective July 1, 2016; previously amended effective January 1, 2009.*)

11
12 (c) **Procedure to obtain authorization**

13
14 (1) ~~*Application Regarding Psychotropic Medication* (form JV-220), *Prescribing*~~
15 ~~*Physician’s Statement—Attachment* (form JV-220(A)), *Proof of Notice:*~~
16 ~~*Application Regarding Psychotropic Medication* (form JV-221), *Opposition*~~
17 ~~*to Application Regarding Psychotropic Medication* (form JV-222), and *Order*~~
18 ~~*Regarding Application for Psychotropic Medication* (form JV-223) must be~~
19 ~~used to~~ To obtain authorization to administer psychotropic medication to a
20 dependent child of the court who is removed from the custody of the parents
21 or guardian, or to a ward of the court who is removed from the custody of the
22 parents or guardian and placed into foster care, the following forms must be
23 completed and filed with the court:

24
25 (A) *Application for Psychotropic Medication* (form JV-220); and

26
27 (B) *Physician’s Statement—Attachment* (form JV-220(A)) unless the
28 request is to continue the same medication and maximum dosage by the
29 same physician that completed the most recent JV-220(A); then the
30 physician may complete *Physician’s Request to Continue Medication—*
31 *Attachment* (form JV-220(B)).

32
33 (2) The child, caregiver, parents, child’s Indian tribe, and Court Appointed
34 Special Advocate, if any, may provide input on the medications being
35 prescribed.

36
37 (A) Input can be by *Child’s Opinion About the Medicine* (form JV-218) or
38 *Statement About Medicine Prescribed* (form JV-219); letter; talking to
39 the judge at a court hearing; or through the social worker, probation
40 officer, attorney of record, or Court Appointed Special Advocate.

41
42 (B) If form JV-218 or form JV-219 is filed, it must be filed within four
43 court days after receipt of notice of the pending application for

1 psychotropic medication. If a hearing is set on the application, form JV-
2 218 and form JV-219 may be filed at any time before, or at, the
3 hearing.

4
5 (C) Input from a Court Appointed Special Advocate can also be by a court
6 report under local rule.

7
8 (3) Input on Application for Psychotropic Medication (form JV-222) may be
9 filed by a parent or guardian, his or her attorney of record, a child’s attorney
10 of record, a child’s Child Abuse Prevention and Treatment Act guardian ad
11 litem appointed under rule 5.662 of the California Rules of Court, or the
12 Indian child’s tribe. If form JV-222 is filed, it must be filed within four court
13 days of receipt of notice of the application.

14
15 ~~(2)~~(4) Additional information may be provided to the court through the use of local
16 forms that are consistent with this rule.

17
18 ~~(3)~~(5) Local county practice and local rules of court determine the procedures for
19 completing and filing the forms and for the provision of notice, except as
20 otherwise provided in this rule. The person or persons responsible for
21 providing notice as required by local court rules or local practice protocols
22 are encouraged to use the most expeditious manner of service possible to
23 ensure timely notice.

24
25 (4) ~~An application must be completed and presented to the court, using~~
26 ~~Application Regarding for Psychotropic Medication (form JV-220), and~~
27 ~~Prescribing Physician’s Statement—Attachment (form JV-220(A)). The court~~
28 ~~must approve, deny or set the matter for a hearing within seven court days of~~
29 ~~the receipt of the completed application.~~

30
31 ~~(5)~~(6) Application Regarding for Psychotropic Medication (form JV-220) may be
32 completed by the prescribing physician, medical office staff, child welfare
33 services staff, probation officer, or the child’s caregiver. If the applicant is the
34 social worker or probation officer, he or she must complete all items on form
35 JV-220. The physician prescribing the administration of psychotropic
36 medication for the child must complete and sign *Prescribing Physician’s*
37 *Statement—Attachment* (form JV-220(A)) or if it is a request to continue the
38 same medication by the same physician that completed the most recent JV-
39 220(A), then the physician may complete and sign *Physician’s Request to*
40 *Continue Medication—Attachment* (form JV-220(B)).

41
42 (7) The court must approve, deny, or set the matter for a hearing within seven
43 court days of the receipt of the completed JV-220 and JV-220(A) or (B).

1
2 (6) ~~Prescribing Physician's Statement—Attachment (form JV 220(A)) must~~
3 ~~include all of the following:~~

4
5 (A) ~~The diagnosis of the child's condition that the physician asserts can be~~
6 ~~treated through the administration of the medication;~~

7
8 (B) ~~The specific medication recommended, with the recommended~~
9 ~~maximum daily dosage and length of time this course of treatment will~~
10 ~~continue;~~

11
12 (C) ~~The anticipated benefits to the child of the use of the medication;~~

13
14 (D) ~~A description of possible side effects of the medication;~~

15
16 (E) ~~A list of any other medications, prescription or otherwise, that the child~~
17 ~~is currently taking, and a description of any effect these medications~~
18 ~~may produce in combination with the psychotropic medication;~~

19
20 (F) ~~A description of any other therapeutic services related to the child's~~
21 ~~mental health status; and~~

22
23 (G) ~~A statement that the child has been informed in an age-appropriate~~
24 ~~manner of the recommended course of treatment, the basis for it, and its~~
25 ~~possible results. The child's response must be included.~~

26
27 (7)(8) Notice must be provided to the parents or legal guardians, their attorneys of
28 record, the child's attorney of record, the child's Child Abuse Prevention and
29 Treatment Act guardian ad litem, the child's current caregiver, the child's
30 Court Appointed Special Advocate, if any, and where a child has been
31 determined to be an Indian child, the Indian child's tribe (see also 25 U.S.C.
32 § 1903(4)–(5); Welf. and Inst. Code, §§ 224.1(a) and (e) and 224.3). If the
33 child is living in a group home, notice to the caregiver must be by notice to
34 the group home administrator, or to the administrator's designee, as defined
35 in California Code of Regulations, regulation 84064.

36
37 Notice must be provided as follows:

38
39 (A) Notice to the parents or legal guardians and their attorneys of record
40 must include:

41
42 (i) * * *

- (ii) A statement that an *Application Regarding for Psychotropic Medication* (form JV-220) and a ~~*Prescribing Physician's Statement—Attachment*~~ (form JV-220(A)) or *Physician's Request to Continue Medication—Attachment* (form JV-220(B)) are pending before the court;
- (iii) A copy of ~~*Information About Guide to Psychotropic Medication Forms*~~ (form ~~JV-219-INFO~~ JV-217-INFO); ~~or information on how to obtain a copy of the form;~~ and
- (iv) A blank copy of *Statement About Medicine Prescribed* (form JV-219); and
- ~~(iv)~~(v) A blank copy of ~~*Opposition to Input on Application Regarding for Psychotropic Medication*~~ (form JV-222) ~~or information about how to obtain a copy of the form.~~

(B) Notice to the child's current caregiver and Court Appointed Special Advocate, if one has been appointed, must include only:

- (i) A statement that a physician is asking to treat the child's emotional or behavioral problems by beginning or continuing the administration of psychotropic medication to the child and the name of the psychotropic medication; ~~and~~
- (ii) A statement that an *Application Regarding for Psychotropic Medication* (form JV-220) and a ~~*Prescribing Physician's Statement—Attachment*~~ (form JV-220(A)) or *Physician's Request to Continue Medication—Attachment* (form JV-220(B)) are pending before the court;
- (iii) A copy of *Guide to Psychotropic Medication Forms* (form JV-217-INFO);
- (iv) A blank copy of *Child's Opinion About the Medicine* (form JV-218); and
- (v) A blank copy of *Statement About Medicine Prescribed* (form JV-219).

(C) Notice to the child's attorney of record and any Child Abuse Prevention and Treatment Act guardian ad litem for the child must include:

- 1 (i) A completed copy of ~~the~~ *Application Regarding for Psychotropic*
2 *Medication* (form JV-220);
- 3
- 4 (ii) A completed copy of ~~the~~ *Prescribing Physician’s Statement—*
5 *Attachment* (form JV-220(A)) or *Physician’s Request to Continue*
6 *Medication—Attachment* (form JV-220(B));
- 7
- 8 (iii) A copy of ~~Information About~~ *Guide to Psychotropic Medication*
9 *Forms* (form ~~JV-219-INFO~~ JV-217-INFO) or information on
10 how to obtain a copy of the form; ~~and~~
- 11
- 12 (iv) A blank copy of ~~Opposition to~~ *Input on Application Regarding*
13 *for Psychiatric Psychotropic Medication* (form JV-222) or
14 information on how to obtain a copy of the form.; and
- 15
- 16 (v) A blank copy of *Child’s Opinion About the Medicine* (form JV-
17 218) or information on how to obtain a copy of the form.
- 18
- 19 (D) Notice to the Indian child’s tribe must include:
- 20
- 21 (i) * * *
- 22
- 23 (ii) A statement that an *Application Regarding for Psychotropic*
24 *Medication* (form JV-220) and a ~~Prescribing~~ *Physician’s*
25 *Statement—Attachment* (form JV-220(A)) or *Physician’s Request*
26 *to Continue Medication—Attachment* (form JV-220(B)) are
27 pending before the court;
- 28
- 29 (iii) A copy of ~~Information About~~ *Guide to Psychotropic Medication*
30 *Forms* (form ~~JV-219-INFO~~ JV-217-INFO) or information on
31 how to obtain a copy of the form; ~~and~~
- 32
- 33 (iv) A blank copy of ~~Opposition to~~ *Input on Application Regarding*
34 *for Psychotropic Medication* (form JV-222) or information on
35 how to obtain a copy of the form-; and
- 36
- 37 (v) A blank copy of *Child’s Opinion About the Medicine* (form JV-
38 218) or information on how to obtain a copy of the form.
- 39
- 40 (vi) A blank copy of *Statement About Medicine Prescribed* (form JV-
41 219) or information on how to obtain a copy of the form.
- 42

1 (E) Proof of notice of the application regarding psychotropic medication
2 must be filed with the court using *Proof of Notice of Application*
3 *Regarding Psychotropic Medication* (form JV-221).
4

5 (8) ~~A parent or guardian, his or her attorney of record, a child's attorney of~~
6 ~~record, a child's Child Abuse Prevention and Treatment Act guardian ad~~
7 ~~litem appointed under rule 5.662 of the California Rules of Court, or the~~
8 ~~Indian child's tribe that is opposed to the administration of the proposed~~
9 ~~psychotropic medication must file a completed *Opposition to Application*~~
10 ~~*Regarding Psychotropic Medication* (form JV-222) within four court days of~~
11 ~~service of notice of the pending application for psychotropic medication.~~
12

13 (9) If all the required information is not included in the request for authorization,
14 the court must order the applicant to provide the missing information and set
15 a hearing on the application.
16

17 (9)(10) The court may grant the application without a hearing or may set the matter
18 for hearing at the court's discretion. If the court sets the matter for a hearing,
19 the clerk of the court must provide notice of the date, time, and location of
20 the hearing to the parents or legal guardians, their attorneys of record, the
21 dependent child if 12 years of age or older, a ward of the juvenile court of
22 any age, the child's attorney of record, the child's current caregiver, the
23 child's social worker or probation officer, the social worker's or probation
24 officer's attorney of record, the child's Child Abuse Prevention and
25 Treatment Act guardian ad litem, the child's Court Appointed Special
26 Advocate, if any, and the Indian child's tribe at least two court days before
27 the hearing. Notice must be provided to the child's probation officer and the
28 district attorney, if the child is a ward of the juvenile court.
29

30 (Subd (c) amended effective July 1, 2016; previously amended effective January 1, 2007,
31 January 1, 2008, January 1, 2009, and January 1, 2014.)
32

33 (d) **Conduct of hearing on application**
34

35 At the hearing on the application, the procedures described in rule 5.570 and
36 section 349 must be followed. The court may deny, grant, or modify the application
37 for authorization, ~~and may~~ If the court grants or modifies the application for
38 authorization, the court must set a date for review of the child's progress and
39 condition. This review must occur at every status review hearing and may occur at
40 any other time at the court's discretion.
41

42 (Subd (d) amended effective July 1, 2016; previously amended effective January 1, 2007.)
43

1 (e) * * *

2
3 (f) **Continued treatment**

4
5 If the court grants the request or modifies and then grants the request, the order for
6 authorization is effective until terminated or modified by court order or until 180
7 days from the order, whichever is earlier. ~~If a progress review is set, it may be by~~
8 ~~an appearance hearing or a report to the court and parties and attorneys, at the~~
9 ~~discretion of the court.~~

10
11 (*Subd (f) amended effective July 1, 2016.*)

12
13 (g) **Progress review**

14
15 (1) After approving any application for authorization, regardless of whether the
16 approval is made at a hearing, the court must set a progress review.

17
18 (2) A progress review must occur at every status review hearing and may occur
19 at any other time at the court's discretion.

20
21 (3) If the progress review is held at the time of the status review hearing, notice
22 under section 293 or 295 must include a statement that the hearing will also
23 be a progress review on previously ordered psychotropic medication, and
24 must include a blank copy of *Child's Opinion About the Medicine* (form JV-
25 218) and a blank copy of *Statement About Medicine Prescribed* (form JV-
26 219).

27
28 (4) If the progress review is not held at the time of the status review hearing,
29 notice must be provided as required under section 293 or 295; must include a
30 statement that the hearing will be a progress review on previously ordered
31 psychotropic medication; and must include a blank copy of *Child's Opinion*
32 *About the Medicine* (form JV-218) and a blank copy of *Statement About*
33 *Medicine Prescribed* (form JV-219).

34
35 (5) Before each progress review, the social worker or probation officer must file
36 a completed *County Report About Psychotropic Medication* (form JV-224)
37 at least 10 calendar days before the hearing. If the progress review is set at
38 the same time as a status review hearing, form JV-224 must be attached to
39 and filed with the report.

40
41 (6) The child, caregiver, parents, and Court Appointed Special Advocate, if any,
42 may provide input at the progress review as stated in (c)(2).

1 (7) At the progress review, the procedures described in section 349 must be
2 followed.

3
4 *(Subd (g) adopted effective July 1, 2016.)*

5
6 **(h) Copy of order to caregiver**

7
8 (1) Upon the approval or denial of the application, the county child welfare
9 agency, probation department, or other person or entity who submitted the
10 request must provide the child’s caregiver with a copy of the court order
11 approving or denying the request.

12
13 (2) The copy of the order must be provided in person or mailed within two court
14 days of when the order is signed.

15
16 (3) If the court approves the request, the copy of the order must include the last
17 two pages of form JV-220(A) and all medication information sheets
18 (medication monographs) that were attached to form JV-220(A).

19
20 (4) If the child resides in a group home, a copy of the order, the last two pages of
21 form JV-220(A), and all medication information sheets (medication
22 monographs) that were attached to the JV-220(A) must be provided to the
23 group home administrator, or to the administrator’s designee, as defined in
24 California Code of Regulations, regulation 84064.

25
26 (5) If the child changes placement, the social worker or probation officer must
27 provide the new caregiver with a copy of the order, the last two pages of form
28 JV-220(A), and the medication information sheets (medication monographs)
29 that were attached to form JV-220(A).

30
31 *(Subd (h) adopted effective July 1, 2016.)*

32
33 **(g)(i) * * ***

34
35 *(Subd (i) relettered effective July 1, 2016; adopted as subd (g); previously amended*
36 *effective January 1, 2007, and January 1, 2008.)*

37
38 **(h)(i) Section 601–602 wardships; local rules**

39
40 A local rule of court may be adopted providing that authorization for the
41 administration of such medication to a child declared a ward of the court under
42 sections 601 ~~and~~ or 602 and removed from the custody of the parent or guardian for
43 placement in a facility that is not considered a foster-care placement may be

1 similarly restricted to the juvenile court. If the local court adopts such a local rule,
2 then the procedures under this rule apply; any reference to social worker also
3 applies to probation officer.
4

5 *(Subd (j) amended and relettered effective July 1, 2016; adopted as subd (i); previously*
6 *relettered as subd (h) effective January 1, 2008; previously amended effective January 1,*
7 *2007, and January 1, 2009.)*
8

9 **(k) Public health nurses**

10
11 Information may be provided to public health nurses as governed by Civil Code
12 section 56.103.
13

14 *(Subd (k) adopted effective July 1, 2016.)*
15

16 *Rule 5.640 amended effective July 1, 2016; adopted as rule 1432.5 effective January 1, 2001;*
17 *previously amended and renumbered effective January 1, 2007; previously amended effective*
18 *January 1, 2003, January 1, 2008, January 1, 2009, and January 1, 2014.*
19

20 **Rule 5.664. Training requirements for children’s counsel in delinquency**
21 **proceedings (§ 634.3)**
22

23 **(a) Definition**
24

25 “Competent counsel” means an attorney who is a member, in good standing, of the
26 State Bar of California, who provides representation in accordance with Welfare
27 and Institutions Code section 634.3(a)(1)–(3), and who has participated in training
28 in the law and practice of juvenile delinquency as defined in this rule.
29

30 **(b) Education and training requirements**
31

32 (1) Only those attorneys who, during each of the most recent three calendar
33 years, have dedicated at least 50 percent of their practice to juvenile
34 delinquency and demonstrated competence or who have completed a
35 minimum of 12 hours of training or education during the most recent 12-
36 month period in the area of juvenile delinquency, may be appointed to
37 represent youth.
38

39 (2) Attorney training must include:
40

41 (A) An overview of delinquency law and related statutes and cases;
42

- 1 (B) Trial skills, including drafting and filing pretrial motions, introducing
2 evidence at trial, preserving the record for appeal, filing writs, notices
3 of appeal, and posttrial motions;
4
5 (C) Advocacy at the detention phase;
6
7 (D) Advocacy at the dispositional phase;
8
9 (E) Child and adolescent development, including training on interviewing
10 and working with adolescent clients;
11
12 (F) Competence and mental health issues, including capacity to commit a
13 crime and the effects of trauma, child abuse, and family violence, as
14 well as crossover issues presented by youth involved in the dependency
15 system;
16
17 (G) Police interrogation methods, suggestibility of juveniles, and false
18 confessions;
19
20 (H) Counsel's ethical duties, including racial, ethnic, and cultural
21 understanding and addressing bias;
22
23 (I) Cultural competency and sensitivity relating to, and best practices for,
24 providing adequate care to lesbian, gay, bisexual, and transgender
25 youth;
26
27 (J) Understanding of the effects of and how to work with victims of human
28 trafficking and commercial sexual exploitation of children and youth;
29
30 (K) Immigration consequences and the requirements of Special Immigrant
31 Juvenile Status;
32
33 (L) General and special education, including information on school
34 discipline;
35
36 (M) Extended foster care;
37
38 (N) Substance abuse;
39
40 (O) How to secure effective rehabilitative resources, including information
41 on available community-based resources;
42
43 (P) Direct and collateral consequences of court involvement;

1
2 (Q) Fitness hearings and advocacy in adult court;

3
4 (R) Appellate advocacy; and

5
6 (S) Advocacy in the postdispositional phase.

7
8
9 **(c) Continuing education requirements**

10
11 (1) To remain eligible for appointment to represent delinquent youth, attorneys
12 must engage in annual continuing education in the areas listed in (b)(2), as
13 follows:

14
15 (A) Attorneys must complete at least 8 hours per calendar year of
16 continuing education, for a total of 24 hours, during each MCLE
17 compliance period.

18
19 (B) An attorney who is eligible to represent delinquent youth for only a
20 portion of the corresponding MCLE compliance period must complete
21 training hours in proportion to the amount of time the attorney was
22 eligible. An attorney who is eligible to represent delinquent youth for
23 only a portion of a calendar year must complete two hours of training
24 for every three months of eligibility.

25
26 (C) The 12 hours of initial training may be applied toward the continuing
27 training requirements for the first compliance period.

28
29 (2) Each individual attorney is responsible for complying with the training
30 requirements in this rule; however, offices of the public defender and other
31 agencies that work with delinquent youth are encouraged to provide MCLE
32 training that meets the training requirements in (b)(2).

33
34 (3) Each individual attorney is encouraged to participate in policy meetings or
35 workgroups convened by the juvenile court and to participate in local
36 trainings designed to address county needs.

37
38 **(d) Evidence of competency**

39
40 The court may require evidence of the competency of any attorney appointed to
41 represent a youth in a delinquency proceeding, including requesting documentation
42 of trainings attended. The court may also require attorneys who represent youth in

1 delinquency proceedings to complete Declaration of Eligibility for Appointment to
2 Represent Youth in Delinquency Court (JV-700).

3
4 *Rule 5.664 adopted effective July 1, 2016.*

5
6 **Rule 5.708. General review hearing requirements**

7
8 **(a)–(m) * * ***

9
10 **(n) Requirements on setting a section 366.26 hearing (§§ 366.21, 366.22, 366.25)**

11
12 The court must make the following orders and determinations when setting a
13 hearing under section 366.26:

14
15 (1) * * *

16
17 (2) The court must continue to permit the parent or legal guardian to visit the
18 child, unless it finds that visitation would be detrimental to the child;₂

19
20 (3) * * *

21
22 (4) The court must direct the county child welfare agency and the appropriate
23 county or state adoption agency to prepare an assessment under section
24 366.21(i), 366.22(c), or 366.25(b);₂

25
26 (5) The court must ensure that notice is provided as follows: required by section
27 294.

28
29 (A) ~~Within 24 hours of the review hearing, the clerk of the court must~~
30 ~~provide notice by first-class mail to the last known address of any party~~
31 ~~who is not present at the review hearing. The notice must include the~~
32 ~~advisements required by rule 5.590(b).~~

33
34 (B) ~~The court must order that notice of the hearing under section 366.26 not~~
35 ~~be provided to any of the following:~~

36
37 (i) ~~Any parent whether natural, presumed, biological, or alleged~~
38 ~~who has relinquished the child for adoption and whose~~
39 ~~relinquishment has been accepted and filed with notice under~~
40 ~~Family Code section 8700; or~~
41

1 (ii) ~~An alleged parent who has denied parentage and has completed~~
2 ~~item 2 of Statement Regarding Parentage (Juvenile) (form JV-~~
3 ~~505).~~
4

5 (6) The court must follow all procedures in rule 5.590 regarding writ petition
6 rights, advisements, and forms.
7

8 *(Subd (n) amended effective July 1, 2016; previously amended effective July 1, 2010,*
9 *January 1, 2014, January 1, 2015, and January 1, 2016.)*
10

11 (o) * * *

12
13 *Rule 5.708 amended effective July 1, 2016; adopted effective January 1, 2010; previously*
14 *amended effective July 1, 2010, January 1, 2014, January 1, 2015, and January 1, 2016.*
15

16 **Rule 5.815. Appointment of legal guardians for wards of the juvenile court;**
17 **modification or termination of guardianship**
18

19 (a)–(c) * * *

20
21 (d) **Notice (§ 728(c))**
22

23 The clerk must provide notice of the hearing to the child, the child’s parents, and
24 other individuals as required by ~~Probate Code section 1511~~ section 294.
25

26 *(Subd (d) amended effective July 1, 2016.)*
27

28 (e)–(g) * * *

29
30 *Rule 5.815 amended effective July 1, 2016; adopted as rule 1496.2 effective January 1, 2004;*
31 *previously amended effective July 1, 2006; previously amended and renumbered as rule 5.815*
32 *effective January 1, 2007.*
33

34 **Rule 5.830. Sealing records (§ 781)**
35

36 (a) **Sealing records—former wards (§ 781)**
37

38 (1) A former ward of the court may apply to petition the court to order juvenile
39 records sealed. Determinations under section 781 ~~must~~ may be made by the
40 court in any ~~the~~ county in which wardship was last terminated. A court may
41 seal the records of another court when it determines that it is appropriate to
42 do so, and must make a determination on sealing those records if the case has
43 been transferred to its jurisdiction under rules 5.610 and 5.612.

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(2) At the time jurisdiction is terminated or the case is dismissed, the court must provide or instruct the probation department to provide form JV-595-INFO, *How to Ask the Court to Seal Your Records*, and form JV-595, *Request to Seal Juvenile Records*, to the ward if the court does not seal the ward’s records under section 786. If the court does seal the ward’s records under section 786, the court must provide or instruct the probation department to provide form JV-596-INFO, *Sealing of Records for Satisfactory Completion of Probation*, and a copy of the sealing order as provided in rule 5.840.

~~(1)~~(3) *Application—submission*

(A) The application for a petition to seal records must be submitted to the probation department in the county in which wardship was last terminated.

(B) The application for a petition to seal juvenile records may be submitted on form JV-595, *Request to Seal Juvenile Records*, or on another form that includes all required information.

~~(2)~~(4) *Investigation*

If the applicant is at least 18 years of age, or if it has been at least five years since the applicant’s probation was last terminated or since the applicant was cited to appear before a probation officer or was taken before a probation officer under section 626 or before any officer of a law enforcement agency, the probation officer determines that under section 781 the former ward is eligible to petition for sealing, the probation officer must do all of the following:

(A) * * *

(B) Conduct an investigation under section 781 and compile a list of cases and contact addresses of every agency or person that the probation department knows has a record of the ward’s case—including the date of each offense, case number(s), and date when the case was closed—to be attached to the sealing petition;

(C)–(d) * * *

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

1 and other agencies and public officials. This rule establishes minimum legal standards but does
2 not prescribe procedures for managing physical or electronic records or methods for preventing
3 public inspection of the records at issue. These procedures remain subject to local discretion.
4 Procedures may, but are not required to, include the actual sealing of physical records or files.
5 Other permissible methods of sealing physical records pending their destruction under section
6 781(d) include, but are not limited to, storing sealed records separately from publicly accessible
7 records, placing sealed records in a folder or sleeve of a color different from that in which
8 publicly accessible records are kept, assigning a distinctive file number extension to sealed
9 records, or designating them with a special stamp. Procedures for sealing electronic records must
10 accomplish the same objectives as the procedures used to seal physical records, and appropriate
11 access controls must be established to ensure that only authorized persons may access the sealed
12 records.

14 **Rule 5.840. Dismissal of petition and sealing of records (§ 786)**

16 **(a) Applicability**

18 This rule states the procedures to dismiss and seal the records of minors who are
19 subject to section 786.

21 **(b) Dismissal of petition**

23 If the court finds that a minor subject to this rule has satisfactorily completed his or
24 her informal or formal probation supervision, the court must order the petition
25 dismissed. The court must not dismiss a petition if it was sustained based on the
26 commission of an offense listed in subdivision (b) of section 707 when the minor
27 was 14 or older unless the finding on that offense has been dismissed or was
28 reduced to an offense not listed in subdivision (b) of section 707. The court may
29 also dismiss prior petitions filed or sustained against the minor if they appear to the
30 satisfaction of the court to meet the sealing and dismissal criteria in section 786. An
31 unfulfilled order, condition, or restitution or an unpaid restitution fee must not be
32 deemed to constitute unsatisfactory completion of probation supervision. The court
33 may not extend the period of supervision or probation solely for the purpose of
34 deferring or delaying eligibility for dismissal and sealing under section 786.

36 **(c) Sealing of records**

38 For any petition dismissed by the court under section 786, the court must also order
39 sealed all records in the custody of the court, law enforcement agencies, the
40 probation department, and the Department of Justice pertaining to those dismissed
41 petition(s) using form JV-596, *Dismissal and Sealing of Records—Welfare and*
42 *Institutions Code Section 786*, or a similar form. The court may also seal records
43 pertaining to these cases in the custody of other public agencies upon a request by

1 an individual who is eligible to have records sealed under section 786, if the court
2 determines that sealing the additional record(s) will promote the successful reentry
3 and rehabilitation of the individual. The prosecuting attorney, probation officer, and
4 court must have access to these records as specifically provided in section 786.
5 Access to the records for research purposes must be provided as required in section
6 787.

7
8 **(d) Destruction of records**

9
10 The court must specify in its order the date by which all sealed records must be
11 destroyed. For court records this date may be no earlier than the date the subject of
12 the order attains age 21 and no later than the end of the time frame set forth in
13 section 781(d). For all other records, the date may be no earlier than the date the
14 subject of the order attains age 18, and no later than the time frame set forth in
15 section 781(d) unless that time frame expires prior to the date the subject attains 18
16 years of age.

17
18 **(e) Distribution of order**

19
20 The clerk of the issuing court must send a copy of the order to each agency and
21 official listed in the order and provide a copy of the order to the individual whose
22 records have been sealed and his or her attorney. The court shall also provide or
23 instruct the probation department to provide the individual with form JV-596-
24 INFO, *Sealing of Records for Satisfactory Completion of Probation.*

25
26 **(f) Deadline for sealing**

27
28 Each agency, individual, and official notified must immediately seal all records as
29 ordered and advise the court that its sealing order has been completed using form
30 JV-591, *Acknowledgment of Juvenile Record Sealed*, or another means.

31
32 *Rule 5.840 adopted effective July 1, 2016.*

33
34 **Rule 7.1002. Acknowledgment of receipt of *Duties of Guardian***

35
36 Before the court issues letters, each guardian must execute and file an acknowledgment
37 of receipt of the *Duties of Guardian* (form GC-248).

38
39 *Rule 7.1002 amended effective July 1, 2016; adopted effective January 1, 2001; previously*
40 *amended effective January 1, 2002, and January 1, 2007.*

41
42 **Rule 7.1002.5. Guardianship of ward 18 to 20 years of age**

1 **(a) Authority**

2
3 The court may extend an existing guardianship of the person past a ward’s 18th
4 birthday or appoint a new guardian of the person for a ward who is at least 18 but
5 not yet 21 years of age if the ward is the petitioner or has given consent as provided
6 in section 1510.1 of the Probate Code and this rule.

7
8 **(b) Consent to appointment of guardian of the person**

9
10 The court may appoint a new guardian of the person under this rule only if the ward
11 has given consent, both to the appointment and to the guardian’s performance of
12 the duties of a guardian, by signing the petition.

13
14 **(c) Consent to extension of guardianship of the person**

15
16 The court may extend a guardianship of the person under this rule only if the ward
17 has given consent, both to the extension and to the guardian’s continued
18 performance of the duties of a guardian, by signing the *Petition to Extend*
19 *Guardianship of the Person* (form GC-210(PE)).

20
21 **(d) Dispute**

22
23 In the event of a dispute over the guardian’s intended action, the guardian may not
24 act against the ward’s desires without the ward’s express consent unless failure to
25 act as intended would breach the guardian’s fiduciary duties to the ward.

26
27 **(e) Modification of consent**

- 28
29 (1) A ward may withdraw his or her consent to the establishment or extension of
30 a guardianship under this rule by filing a petition to terminate the
31 guardianship under rule 7.1004(b)(2)(B).
32
33 (2) In addition to any other petition authorized by section 2359(a), the ward may
34 file a petition at any time during a guardianship established or extended under
35 this rule to withdraw or modify his or her consent to the guardian’s
36 performance of a specific duty or duties.

37
38 *Rule 7.1002.5 adopted effective July 1, 2016.*

39
40 **Rule 7.1004. Termination of guardianship**

41
42 **(a) * * ***

1 **(b) Guardian of the person**

2
3 (1) Under Probate Code section 1600 a guardianship of the person terminates by
4 operation of law, and the guardian of the person need not file a petition for its
5 termination, when the ward attains majority except as provided in (2), dies, is
6 adopted, or is emancipated.

7
8 (2) If the court has appointed a guardian of the person for a ward 18 years of age
9 or older or extended a guardianship of the person past the ward’s 18th
10 birthday, the guardianship terminates:

11
12 (A) By operation of law when the ward attains 21 years of age, marries, or
13 dies; or

14
15 (B) By order of the court when the ward files a petition under Probate Code
16 section 1601.

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

19
20 **(c) * * ***

21
22 *Rule 7.1004 amended effective July 1, 2016; adopted effective January 1, 2004.*

23
24 **Rule 7.1013. Change of ward’s residence**

25
26 **(a)–(f) * * ***

27
28 **(g) Wards 18 to 20 years of age**

29
30 For a ward who is at least 18 but not yet 21 years of age, a copy of any notice under
31 this rule must be mailed only to the ward and the ward’s attorney of record.

32
33 *(Subd (g) adopted effective July 1, 2016.)*

34
35 *Rule 7.1013 amended effective July 1, 2016; adopted effective January 1, 2008.*

36
37 **Rule 7.1020. Special Immigrant Juvenile findings in guardianship proceedings**

38
39 **(a) * * ***

40
41 **(b) Request for findings**

1 (1) *Who may file request*

2

3 Any person or entity authorized under Probate Code section 1510 or 1510.1
4 to petition for the appointment of a guardian of the person of a minor,
5 including the ward or proposed ward if 12 years of age or older, may file a
6 request for findings regarding the minor under this rule.

7

8 (A)–(B) * * *

9

10 (2) *Form of request*

11

12 (A) * * *

13

14 (B) A request for findings under this rule by or on behalf of a minor filed
15 concurrently with a petition for the appointment of a guardian of the
16 person or for extension of a guardianship of the person past the 18th
17 birthday of the minor must be prepared and filed as a separate petition,
18 not as an attachment to the petition for appointment.

19

20 *(Subd (b) amended effective July 1, 2016.)*

21

22 (c)–(d) * * *

23

24 (e) **Hearing on request**

25

26 (1) If filed concurrently, a request for findings under this rule by or on behalf of
27 a minor and a petition for appointment of a guardian of the person or
28 extension of a guardianship of the person past the 18th birthday of that minor
29 may be heard and determined together.

30

31 (2)–(5) * * *

32

33 *(Subd (e) amended effective July 1, 2016.)*

34

35 (f) * * *

36

37 *Rule 7.1020 amended effective July 1, 2016; adopted effective January 1, 2016.*

38

39 **Rule 10.67. Judicial Branch Workers’ Compensation Program Advisory**
40 **Committee**

41

42 (a)–(b) * * *

43

1 *Rule 10.67 amended effective July 1, 2016; adopted effective January 1, 2015.*
2

1
2
3 **Appendix F.**

4 **Guidelines for the Juvenile Dependency Counsel Collections Program (JDCCP)**

5 **1.-4. * * ***

6
7 **5. Determination of Cost of Legal Services**

8 The court is charged with determining the cost of dependency-related legal services.
9 In doing so, the court may adopt one of the three methods in (a)–(c). In no event
10 will the court seek reimbursement of an amount that exceeds the actual cost of legal
11 services already provided to the children and the responsible person in the
12 proceeding. The court may update its determination of the cost of legal services on
13 an annual basis, on the conclusion of the dependency proceedings in the juvenile
14 court, or on the cessation of representation of the child or responsible person.

15
16 **(a) * * ***

17
18 **(b) Cost Model**

19 The court may determine the cost of legal services provided to a child or responsible
20 person in a dependency proceeding by applying the Uniform Regional Cost
21 Model available on serranus.courtinfo.ca.gov jrn.courts.ca.gov or from
22 jdccp@jud.ca.gov. Use of the cost model as described in this section will
23 ensure that the court seeks reimbursement of an amount that most closely
24 approximates, but does not exceed, the actual cost incurred by the court.

25
26 **(1)–(3) * * ***

27
28 **(c) * * ***

29
30 **6.-9. * * ***

31
32 **10. Collection Services**

33
34 **(a) * * ***

35
36 **(b) Outside Collection-Services Providers**

37 When appropriate and consistent with policy FIN 10.01, a court may use an
38 outside collection-services provider.

39
40 **(1) * * ***

41
42 **(2) *Collection Services Provided by Private Vendor***

1 A court that uses a private collection service should use a vendor that
2 has entered into a master agreement with the Judicial Council to provide
3 comprehensive collection services. A court that uses such a vendor
4 should complete a participation agreement and send it to Judicial
5 Council staff via e-mail to jdccp@jud.ca.gov. A court may contract
6 directly with a private vendor only on terms and conditions substantially
7 similar to those set forth in the master agreements for comprehensive
8 collection services available at
9 <http://serranus.courtinfo.ca.gov/programs/collections/mva.htm>
10 jrn.courts.ca.gov/programs/collections/mva.htm.

11
12 (3) * * *

13
14 (c) * * *

15
16 **11. Recovery of Program Implementation Costs**

17 A court may recover, from the money it has collected, its eligible program
18 implementation costs before remitting the balance of the collected funds to the state
19 in the manner required by Government Code section 68085.1. Eligible costs are
20 limited by statute to the cost of determining responsible persons' ability to repay the
21 cost of court-appointed counsel and to the cost of collecting delinquent
22 reimbursements. If a court's eligible costs in any given month exceed the amount of
23 revenue it has collected in that month, the court may carry the excess costs forward
24 within the same fiscal year until sufficient revenue is collected to recover the
25 eligible costs in full. Any program costs recovered by the court must be
26 documented by the court and reported monthly by e-mail to jdccp@jud.ca.gov in a
27 format consistent with the Cost Recovery Template available on
28 serranus.courtinfo.ca.gov jrn.courts.ca.gov or from jdccp@jud.ca.gov.

29
30 (a) * * *

31
32 **12.–15. * * ***

33 *Appendix F amended effective July 1, 2016; adopted effective January 1, 2013; previously*
34 *amended effective September 23, 2013, and January 1, 2016.*