

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on October 28, 2014,
effective on January 1, 2015

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15

1 **Rule 1.31. Mandatory forms**

2
3 (a) * * *

4
5 (b) **List of mandatory forms**

6
7 Each mandatory Judicial Council form is identified as mandatory by an asterisk (*)
8 on the list of Judicial Council forms in Appendix A to the California Rules of
9 Court. The list is available on the California Courts web-site at
10 www.courtinfo.ca.gov/forms.

11
12 *(Subd (b) amended effective January 1, 2015.)*

13
14 (c)–(g) * * *

15
16 *Rule 1.31 amended effective January 1, 2015; adopted effective January 1, 2007; previously*
17 *amended effective January 1, 2007, January 1, 2009, and July 1, 2009.*

18
19 **Rule 1.35. Optional forms**

20
21 (a) * * *

22
23 (b) **List of optional forms**

24
25 Each optional Judicial Council form appears without an asterisk (*) on the list of
26 Judicial Council forms in Appendix A to the California Rules of Court. The list is
27 available on the California Courts web-site at www.courtinfo.ca.gov/forms.

28
29 *(Subd (b) amended effective January 1, 2015.)*

30
31 (c)–(f) * * *

32
33 *Rule 1.35 amended effective January 1, 2015; adopted effective January 1, 2007; previously*
34 *amended effective January 1, 2009.*

35
36 **Rule 3.20. Preemption of local rules**

37
38 (a) * * *

39
40 (b) **Application**

41
42 This rule applies to all matters identified in (a) except:
43

1 (1) Trial and post-trial proceedings including but not limited to motions in limine
2 (see rule 3.1112(f));

3

4 (2)–(4) * * *

5

6 (Subd (b) amended effective January 1, 2015; adopted effective July 1, 2000; previously
7 amended effective July 1, 2000, January 1, 2002, and January 1, 2007.)

8

9 Rule 3.20 amended effective January 1, 2015; adopted as rule 302 effective July 1, 1997;
10 previously amended effective January 1, 2002; previously amended and renumbered as rule
11 981.1 effective July 1, 2000, and as rule 3.20 effective January 1, 2007.

12

13 **Rule 5.76. Domestic partnerships**

14

15 To obtain a dissolution, a legal separation, or an annulment of a domestic partnership:

16

17 (1) ~~Petition—Domestic Partnership/Marriage (Family Law) (form FL-103) must be~~
18 ~~filed to commence an action for dissolution, legal separation, or annulment of a~~
19 ~~domestic partnership. Response—Domestic Partnership/Marriage (Family Law)~~
20 ~~(form FL-123) must be filed in response to this petition. Persons who qualify for a~~
21 summary dissolution as described in the booklet *Summary Dissolution Information*
22 (form FL-810) may act to dissolve their partnership through the California
23 Secretary of State using forms found at www.sos.ca.gov or in the superior court
24 following the procedures described in form FL-810.

25

26 (2) For persons who do not qualify for a summary dissolution proceeding, all other
27 forms and procedures used for the dissolution, legal separation, or annulment of a
28 domestic partnership are the same as those used for the dissolution, legal
29 separation, or annulment of a marriage.

30

31 Rule 5.76 amended effective January 1, 2015; adopted effective January 1, 2013.

32

33 **Rule 5.225. Appointment requirements for child custody evaluators**

34

35 (a)–(b) * * *

36

37 (c) **Licensing requirements**

38

39 A person appointed as a child custody evaluator meets the licensing criteria
40 established by Family Code section 3110.5(c)(1)–(5), if:

41

42 (1) * * *

43

1 (2) A person may be appointed as an evaluator even if he or she does not have a
2 license as described in (c)(1) if:

3
4 (A) The court certifies that the person is a court-connected evaluator who
5 meets all the qualifications specified in (ij); or

6
7 (B) * * *

8
9 *(Subd (c) amended effective January 1, 2015; adopted effective January 1, 2007.)*

10
11 **(d)–(o)** * * *

12
13 *Rule 5.225 amended effective January 1, 2015; adopted as rule 1257.4 effective January 1, 2002;*
14 *renumbered effective January 1, 2003; previously amended effective January 1, 2005, January 1,*
15 *2007, and January 1, 2011.*

16
17 **Rule 5.510. Proper court; determination of child’s residence; exclusive jurisdiction**

18
19 **(a)–(b)** * * *

20
21 **(c) Exclusive jurisdiction (§§ 304, 316.2, 726.4)**

22
23 (1) Once a petition has been filed under section 300, the juvenile court has
24 exclusive jurisdiction of the following:

25
26 (A) * * *

27
28 (B) All issues and actions regarding ~~paternity~~ the parentage of the child
29 under rule 5.635 and Family Code section 7630 ~~or 7631~~.

30
31 (2) Once a petition has been filed under section 601 or 602, the juvenile court has
32 exclusive jurisdiction to hear an action filed under Family Code section 7630
33 ~~or 7631~~.

34
35 *(Subd (c) amended effective January 1, 2015; adopted effective January 1, 1999;*
36 *previously amended effective January 1, 2007.)*

37
38 *Rule 5.510 amended effective January 1, 2015; adopted as rule 1403 effective January 1, 1991;*
39 *previously amended effective January 1, 1999; previously amended and renumbered effective*
40 *January 1, 2007.*

41
42 **Rule 5.610. Transfer-out hearing**

43

1 (a)–(f) * * *

2
3 (g) **Modification of form JV-550**

4
5 ~~Juvenile Court Transfer Orders~~ Juvenile Court Transfer Orders (form JV-550) may
6 be modified as follows:

7
8 (1) Notwithstanding the mandatory use of form JV-550, the form may be
9 modified for use by a formalized regional collaboration of courts to facilitate
10 the efficient processing of transfer cases among those courts if the
11 modification has been approved by the Judicial Council of California;
12 ~~Administrative Office of the Courts.~~

13
14 (2) * * *

15
16 (*Subd (g) amended January 1, 2015; adopted January 1, 2007.*)

17
18 (h)–(i) * * *

19
20 *Rule 5.610 amended effective January 1, 2015; adopted as rule 1425 effective January 1, 1990;*
21 *previously amended effective January 1, 1992, January 1, 1993, July 1, 1999, and January 1,*
22 *2004; previously amended and renumbered effective January 1, 2007.*

23
24 **Rule 5.635. Parentage**

25
26 (a) **Authority to declare; duty to inquire (§ 316.2, 726.4)**

27
28 The juvenile court has a duty to inquire about and, ~~if not otherwise determined,~~ to
29 attempt to determine the parentage of each child who is the subject of a petition
30 filed under section 300, 601, or 602. The court may establish and enter a judgment
31 of parentage: under the Uniform Parentage Act. (Fam. Code, § 7600 et seq.) Once a
32 petition has been filed to declare a child a dependent or ward, and until the petition
33 is dismissed or dependency or wardship is terminated, the juvenile court with
34 jurisdiction over the action has exclusive jurisdiction to hear an action filed under
35 Family Code section 7630 ~~or 7631.~~

36
37 (*Subd (a) amended effective January 1, 2015; previously amended effective January 1,*
38 *2001, January 1, 2006, and January 1, 2007.*)

39
40 (b) **Parentage inquiry (§§ 316.2, 726.4)**

41
42 At the initial hearing on a petition filed under section 300 or at the dispositional
43 hearing on a petition filed under section, 601, or 602, and at hearings thereafter

1 until or unless parentage has been established, the court must inquire of the child's
2 parents present at the hearing and of any other appropriate person present as to the
3 identity and address of any and all presumed or alleged parents of the child.
4 Questions, at the discretion of the court, may include the following and others that
5 may provide information regarding parentage:
6

7 (1)–(8) * * *

8
9 *(Subd (b) amended effective January 1, 2015; adopted effective January 1, 2001;*
10 *previously amended effective January 1, 2006, and January 1, 2007.)*

11
12 **(c) Voluntary declaration**

13
14 If a voluntary declaration as described in Family Code section 7570 et seq. has
15 been executed and filed with the California Department of ~~Social~~Child Support
16 Services, the declaration establishes the paternity of a child and has the same force
17 and effect as a judgment of paternity by a court. A man is presumed to be the father
18 of the child under Family Code section 7611 if the voluntary declaration has been
19 properly executed and filed.
20

21 *(Subd (c) amended effective January 1, 2015; adopted effective January 1, 2001;*
22 *previously amended effective January 1, 2006, July 1, 2006, and January 1, 2007.)*

23
24 **(d) Issue raised; inquiry**

25
26 If, at any proceeding regarding the child, the issue of parentage is addressed by the
27 court:
28

29 (1) * * *

30
31 (2) The court must direct the court clerk to prepare and transmit *Parentage*
32 *Inquiry—Juvenile* (form JV-500) to the local child support agency requesting
33 an inquiry regarding whether ~~or not~~ parentage has been established through
34 any superior court order or judgment or through the execution and filing of a
35 voluntary declaration under the Family Code;
36

37 (3) The office of child support enforcement must prepare and return the
38 completed *Parentage Inquiry—Juvenile* (form JV-500) within 25 judicial
39 days, with certified copies of any such order or judgment or proof of the
40 filing of any voluntary declaration attached; and
41

42 (4) * * *

43

1 (Subd (d) amended effective January 1, 2015; adopted as subd (b); previously amended
2 and relettered effective January 1, 2001; previously amended effective January 1, 2006,
3 and January 1, 2007.)
4

5 **(e) No prior determination**

6
7 * * *

8
9 (1) ~~The~~ Any alleged father and his counsel must complete and submit *Statement*
10 *Regarding ~~Paternity~~ Parentage (Juvenile-~~Dependency~~)* (form JV-505). Form
11 JV-505 must be made available in the courtroom.
12

13 (2) * * *

14
15 (3) The court may make its determination of parentage or nonparentage based on
16 the testimony, declarations, or statements of the alleged parents. The court
17 must advise any alleged parent ~~indicating a wish to be declared the parent of~~
18 ~~the child~~ that if parentage is ~~declared~~ determined, the ~~declared~~ parent will
19 have responsibility for the financial support of the child, and, if the child
20 receives welfare benefits, the ~~declared~~ parent may be subject to an action to
21 obtain support payments.
22

23 (Subd (e) amended effective January 1, 2015; adopted as subd (c); previously amended
24 and relettered effective January 1, 2001; previously amended effective January 1, 2006,
25 and January 1, 2007.)
26

27 **(f) Notice to office of child support enforcement**

28
29 If the court establishes parentage of the child, the court must sign ~~and then direct~~
30 ~~the clerk to transmit~~ Parentage—*Finding and Judgment (Juvenile)* (form JV-501)
31 and direct the clerk to transmit the signed form to the local child support agency.
32

33 (Subd (f) amended effective January 1, 2015; adopted as subd (d); previously amended and
34 relettered effective January 1, 2001; previously amended effective January 1, 2006, and
35 January 1, 2007.)
36

37 **(g) Dependency and delinquency; notice to alleged parents**

38
39 If, after inquiry by the court or through other information obtained by the county
40 welfare department or probation department, one or more persons are identified as
41 alleged parents of a child for whom a petition under section 300, 601, or 602 has
42 been filed, the clerk must provide to each named alleged parent, at the last known
43 address, by certified mail, return receipt requested, a copy of the petition, notice of

1 the next scheduled hearing, and *Statement Regarding Parentage—(Juvenile)* (form
2 JV-505) unless:

3
4 (1)–(2) * * *

5
6 (3) The alleged parent has previously filed a form JV-505 denying parentage and
7 waiving further notice; or

8
9 (4) The alleged parent has relinquished custody of the child to the county welfare
10 department.

11
12 *(Subd (g) amended effective January 1, 2015; adopted as subd (e); previously amended*
13 *and relettered effective January 1, 2001; previously amended effective January 1, 2006,*
14 *and January 1, 2007.)*

15
16 **(h)** * * *

17
18 *Rule 5.635 amended effective January 1, 2015; adopted as rule 1413 effective July 1, 1995;*
19 *previously amended effective January 1, 1999, January 1, 2001, January 1, 2006, July 1, 2006,*
20 *and January 1, 2007.*

21
22 **Rule 5.650. Appointed educational rights holder**

23
24 **(a)–(h)** * * *

25
26 **(i) Education and training of educational rights holder**

27
28 If the educational rights holder, including a ~~biological or adoptive parent or~~
29 guardian, asks for assistance in obtaining education and training in the laws
30 incorporated in rule 5.651(a), the court must direct the clerk, social worker, or
31 probation officer to inform the educational rights holder of all available resources,
32 including resources available through the California Department of Education, the
33 California Department of Developmental Services, the local educational agency,
34 and the local regional center.

35
36 *(Subd (i) amended effective January 1, 2015; adopted effective January 1, 2008;*
37 *previously amended effective January 1, 2014.)*

38
39 **(j)** * * *

40
41 *Rule 5.650 amended effective January 1, 2015; adopted as rule 1499 effective July 1, 2002;*
42 *previously amended and renumbered effective January 1, 2007; previously amended effective*
43 *January 1, 2004, January 1, 2008, and January 1, 2014.*

1
2 **Rule 5.660. Attorneys for parties (§§ 317, 317.5, 317.6, 353, 366.26, 16010.6)**

3
4 (a)–(c) * * *

5
6 **(d) Competent counsel**

7
8 * * *

9
10 (1)–(2) * * *

11
12 (3) *Experience and education*

13
14 (A) Only those attorneys who have completed a minimum of eight hours of
15 training or education in the area of juvenile dependency, or who have
16 sufficient recent experience in dependency proceedings in which the
17 attorney has demonstrated competency, may be appointed to represent
18 parties. Attorney training must include:

19
20 (i) ~~In addition to a summary~~ An overview of dependency law and
21 related statutes and cases;

22
23 (ii) ~~training and education for attorneys must include~~ Information on
24 child development, child abuse and neglect, substance abuse,
25 domestic violence, family reunification and preservation, and
26 reasonable efforts; and

27
28 (iii) For any attorney appointed to represent a child, instruction on
29 cultural competency and sensitivity relating to, and best practices
30 for, providing adequate care to lesbian, gay, bisexual, and
31 transgender youth in out-of-home placement.

32
33 (B) Within every three years, attorneys must complete at least eight hours
34 of continuing education related to dependency proceedings.

35
36 (4)–(6) * * *

37
38 *(Subd (d) amended effective January 1, 2015; adopted as subd (b); amended and relettered*
39 *as subd (c) effective July 1, 2001; previously relettered effective January 1, 2006;*
40 *previously amended effective July 1, 1999, January 1, 2005, January 1, 2007, and January*
41 *1, 2014.)*
42

1 (e)–(g) * * *

2
3 *Rule 5.660 amended effective January 1, 2015; adopted as rule 1438 effective January 1, 1996;*
4 *previously amended and renumbered effective January 1, 2007; previously amended effective*
5 *July 1, 1999, July 1, 2001, January 1, 2003, January 1, 2005, January 1, 2006, and January 1,*
6 *2014.*

7
8 **Advisory Committee Comment**

9
10 * * *

11
12 Nothing in this rule is intended to ~~expand~~ extend the permissible scope of any judicial inquiry
13 into an attorney’s reasons for declining to represent one or more siblings or requesting to
14 withdraw from representation of one or more siblings, due to an actual or reasonably likely
15 conflict of interest. (See ~~Cal. Bar Rules, Prof. Conduct R 3-310, Subd (C)~~. State Bar Rules Prof.
16 Conduct, rule 3-310(C).) While the court has the duty and authority to inquire as to the general
17 nature of an asserted conflict of interest, it cannot require an attorney to disclose any privileged
18 communication, even if such information forms the basis of the alleged conflict. (*In re James S.*
19 *(1991) 227 Cal.App.3d 930, 934; Aceves v. Superior Court (1996) 51 Cal.App.4th 584, 592–593.*)

20
21 **Rule 5.661. Representation of the child on appeal**

22
23 (a)–(d) * * *

24
25 (e) **Service of recommendation**

26
27 The child’s trial counsel or guardian ad litem must serve a copy of the
28 recommendation filed in the Court of Appeal on the district appellate project and
29 the trial court.

30
31 *(Subd (e) amended effective January 1, 2015.)*

32
33 (f)–(g) * * *

34
35 *Rule 5.661 amended effective January 1, 2015; adopted effective July 1, 2007.*

36
37 **Rule 5.668. Commencement of hearing—explanation of proceedings (§§ 316, 316.2)**

38
39 (a) * * *

40
41 (b) **Paternity Parentage inquiry**

1 The court must also inquire of the child’s mother and of any other appropriate
2 person present as to the identity and address of any and all presumed or alleged
3 parents ~~and alleged fathers~~ of the child. Questions, at the discretion of the court,
4 may include:

5
6 (1) Has there been a judgment of ~~paternity~~ parentage?

7
8 (2) * * *

9
10 (3) Was the mother cohabiting ~~with a man~~ at the time of conception?

11
12 (4) * * *

13
14 (5) Has ~~a man~~ anyone formally or informally acknowledged ~~paternity~~ parentage,
15 including through the execution of a voluntary declaration of ~~paternity~~ under
16 Family Code section 7571?

17
18 (6) Have ~~paternity~~ tests to determine biological parentage been administered and,
19 if so, what were the results?

20
21 *(Subd (b) amended effective January 1, 2015; adopted effective January 1, 1999;*
22 *previously amended effective January 1, 2007.)*

23
24 (c) * * *

25
26 *Rule 5.668 amended effective January 1, 2015; repealed and adopted as rule 1441 effective*
27 *January 1, 1998; previously amended and renumbered effective January 1, 2007; previously*
28 *amended effective January 1, 1999, January 1, 2001, January 1, 2002, and January 1, 2008.*

29
30 **Rule 5.695. Findings and orders of the court—disposition**

31
32 (a) **Orders of the court (§§ 245.5, 358, 360, 361, 361.2, 390)**

33
34 At the disposition hearing, the court may:

35
36 (1)–(6) * * *

37
38 (7) Declare dependency, remove physical custody from the parent or guardian,
39 and:

40
41 (A) After stating on the record or in writing the factual basis for the order,
42 order custody to ~~the~~ a noncustodial parent, terminate jurisdiction, and

1 direct that *Custody Order—Juvenile—Final Judgment* (form JV-200)
2 be prepared and filed under rule 5.700;

3
4 (B) After stating on the record or in writing the factual basis for the order,
5 order custody to ~~the~~ a noncustodial parent with services to one or both
6 parents; or

7
8 (C) * * *

9
10 *(Subd (a) amended effective January 1, 2015; previously amended effective July 1, 1995,*
11 *and January 1, 2007.)*

12
13 (b)–(e) * * *

14
15 (f) **Family-finding determination (§ 309)**

16
17 (1) If the child is removed, the court must consider and determine whether the
18 social worker has exercised due diligence in conducting the required
19 investigation to identify, locate, and notify the child’s relatives. The court
20 may consider the activities listed in (g) as examples of due diligence. The
21 court must document its determination by making a finding on the record.

22
23 If the dispositional hearing is continued, the court may set a hearing to be
24 held 30 days from the date of removal or as soon as possible thereafter to
25 consider and determine whether the social worker has exercised due diligence
26 in conducting the required investigation to identify, locate, and notify the
27 child’s relatives.

28
29 (2) * * *

30
31 *(Subd (f) amended effective January 1, 2015; adopted effective January 1, 2011;*
32 *previously amended effective January 1, 2014.)*

33
34 (g) **Due diligence (§ 309)**

35
36 When making the ~~inquiry~~ determination required in (f), the court may consider,
37 among other examples of due diligence, whether the social worker has done any of
38 the following:

39
40 (1)–(7) * * *

41
42 *(Subd (g) amended effective January 1, 2015; adopted effective January 1, 2011;*
43 *previously amended effective January 1, 2014.)*

1
2 **(h) Provision of reunification services (§ 361.5)**
3

4 (1) Except as provided in (6), if a child is removed from the custody of a parent
5 or legal guardian, the court must order the county welfare department to
6 provide reunification services to the child and the child's mother and
7 statutorily presumed ~~father~~ parent, or the child's legal guardian, to facilitate
8 reunification of the family. For a child who was three years of age or older on
9 the date of initial removal, services must be provided during the time period
10 beginning with the dispositional hearing and ending 12 months after the date
11 the child entered foster care, as defined by section 361.49. For a child who
12 was under three years of age on the date of initial removal, services must be
13 provided for a period of 6 months from the dispositional hearing, but no
14 longer than 12 months from the date the child entered foster care, as defined
15 by section 361.49. The time period for the provision of family reunification
16 services must be calculated consistent with section 361.5(a). The court must
17 inform the parent or legal guardian of a child who was under three when
18 initially removed that failure to participate regularly and make substantive
19 progress in court-ordered treatment programs may result in the termination of
20 reunification efforts after 6 months from the date of the dispositional hearing.

21
22 (2)–(5) * * *

23
24 (6) Reunification services must not be provided when the parent has voluntarily
25 relinquished the child and the relinquishment has been filed with the State
26 Department of Social Services, or if the court has appointed a guardian under
27 section 360. Reunification services need not be provided to a ~~mother,~~
28 ~~statutorily presumed father,~~ parent or guardian if the court finds, by clear and
29 convincing evidence, any of the following:

30
31 (A)–(O) * * *

32
33 (7)–(12) * * *

34
35 (13) If the ~~mother, statutorily presumed father~~ parent, or guardian is
36 institutionalized, incarcerated, or detained by the United States Department of
37 Homeland Security, or has been deported to his or her country of origin, the
38 court must order reunification services unless it finds by clear and convincing
39 evidence that the services would be detrimental to the child, with
40 consideration of the factors in section 361.5(e). The court may order
41 reunification services with an institutionalized, incarcerated, detained, or
42 deported biological father whose paternity has been declared by the juvenile
43 court or another court of competent jurisdiction, if the court determines that

1 such services would benefit the child, with consideration of the factors in
2 section 361.5(e).

3
4 (14) * * *

5
6 (15) A judgment, order, or decree setting a hearing under section 366.26 is not an
7 immediately appealable order. Review may be sought only by filing *Petition*
8 *for Extraordinary Writ (California Rules of Court, Rules 8.452, 8.456)* (form
9 JV-825) or other petition for extraordinary writ. If a party wishes to preserve
10 any right to review on appeal of the findings and orders made under this rule,
11 the party must seek an extraordinary writ under rules 8.450, and 8.452, ~~and~~
12 ~~5.600~~.

13
14 (16)–(17) * * *

15
16 (18) Failure to file a petition for extraordinary writ review within the period
17 specified by rules 8.450, and 8.452, ~~and 5.600~~ to substantively address the
18 issues challenged, or to support the challenge by an adequate record,
19 precludes subsequent review on appeal of the findings and orders made under
20 this rule.

21
22 (19) * * *

23
24 *(Subd (h) amended effective January 1, 2015; adopted as subd (e); previously relettered as*
25 *subd (f) effective July 1, 1995, and as subd (h) January 1, 2011; previously amended*
26 *effective January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, January 1,*
27 *1996, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July 1,*
28 *2002, January 1, 2007, January 1, 2010, and January 1, 2014.)*

29
30 **(i) Information regarding termination of parent-child relationship (§§ 361, 361.5)**

31
32 If a child is removed from the physical custody of the parent or guardian under
33 either section 361 or 361.5, the court must:

34
35 (1) * * *

36
37 (2) Notify the parents that their parental rights may be terminated if custody is
38 not returned within 6 months of the dispositional hearing or within 12 months
39 of the specific date the child is determined to have entered foster care,
40 whichever time limit is applicable.
41

1 (Subd (i) amended effective January 1, 2015; adopted as subd (f); previously amended
2 effective January 1, 2001, and July 1, 2002; previously relettered as subd (g) effective July
3 1, 1995, and as subd (i) effective January 1, 2011.)
4

5 **(j)–(l) * * ***
6

7 Rule 5.695 amended effective January 1, 2015; adopted as rule 1456 effective January 1, 1991;
8 previously amended and renumbered effective January 1, 2007; previously amended effective
9 January 1, 1993, July 1, 1993, January 1, 1994, January 1, 1995, July 1, 1995, January 1, 1996,
10 January 1, 1997, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, July 1, 2001, July
11 1, 2002, January 1, 2004, January 1, 2006, January 1, 2008, January 1, 2010, January 1, 2011,
12 and January 1, 2014.
13

14 **Rule 5.708. General review hearing requirements**
15

16 **(a)–(m) * * ***
17

18 **(n) Requirements on setting a section 366.26 hearing (§§ 366.21, 366.22, 366.25)**
19

20 * * *

21
22 **(1)–(4) * * ***
23

24 **(5) * * ***
25

26 **(A) * * ***
27

28 **(B)** The court must order that notice of the hearing under section 366.26 not
29 be provided to any of the following:
30

31 **(i)** ~~A parent, presumed parent, or alleged~~ Any parent—whether
32 natural, presumed, biological, or alleged—who has relinquished
33 the child for adoption and whose relinquishment has been
34 accepted and filed with notice under Family Code section 8700;
35 or
36

37 **(ii) * * ***
38

39 **(6) * * ***
40

41 (Subd (n) amended effective January 1, 2015; previously amended effective July 1, 2010,
42 and January 1, 2014.)
43

1 (o) * * *

2
3 *Rule 5.708 amended effective January 1, 2015; adopted effective January 1, 2010; previously*
4 *amended effective July 1, 2010, and January 1, 2014.*

5
6 **Rule 5.710. Six-month review hearing**

7
8 (a)–(b) * * *

9
10 (c) **Setting a section 366.26 hearing (§§ 366.21, 366.215)**

11
12 (1) * * *

13
14 (A)–(C) * * *

15
16 (D) * * *

17
18 (i) * * *

19
20 (ii) The court, in determining whether court-ordered services may be
21 extended to the 12-month point, must take into account any
22 particular barriers to a parent’s or guardian’s ability to maintain
23 contact with his or her child due to the parent’s or guardian’s
24 incarceration, institutionalization, detention by the United States
25 Department of Homeland Security, or deportation. The court may
26 also consider, among other factors, whether the incarcerated,
27 institutionalized, detained, or deported parent or guardian has
28 made good faith efforts to maintain contact with the child and
29 whether there are any other barriers to the parent’s or guardian’s
30 access to services.

31
32 (2) * * *

33
34 *(Subd (c) amended effective January 1, 2015; repealed and adopted as subd (e); previously*
35 *amended and relettered as subd (f) effective January 1, 1992; previously amended effective*
36 *January 1, 1993, January 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, January 1,*
37 *2000, January 1, 2001, July 1, 2002, January 1, 2004, January 1, 2005, January 1, 2006,*
38 *January 1, 2007, January 1, 2010, January 1, 2011, and January 1, 2014.)*

39
40 (d) * * *

41
42 *Rule 5.710 amended effective January 1, 2015; adopted as rule 1460 effective January 1, 1990;*
43 *previously amended and renumbered effective January 1, 2007; previously amended effective*

1 *January 1, 1992, January 1, 1993, January 1, 1995, July 1, 1995, July 1, 1997, January 1, 1999,*
2 *July 1, 1999, January 1, 2000, January 1, 2001, July 1, 2002, January 1, 2004, January 1, 2005,*
3 *January 1, 2006, January 1, 2010, January 1, 2011, and January 1, 2014.*

4
5 **Rule 5.720. Eighteen-month permanency review hearing**

6
7 (a) * * *

8
9 (b) **Determinations and conduct of hearing (§§ 361.5, 366.22)**

10
11 At the hearing the court and all parties must comply with all relevant requirements
12 and procedures in rule 5.708, General review hearing requirements. The court must
13 make all appropriate findings and orders specified in rule 5.708 and proceed as
14 follows:

15
16 (1)–(2) * * *

17
18 (3) If the court does not order return of the child to the custody of the parent or
19 legal guardian, the court must specify the factual basis for its finding of risk
20 of detriment and do one of the following:

21
22 (A) Continue the case for a subsequent permanency review hearing not
23 later than 24 months from the date of the initial removal if the court
24 finds that there is a substantial probability that the child will be
25 returned within that time or that reasonable services have not been
26 offered or provided. To extend services to the 24-month point, the court
27 must also find by clear and convincing evidence that additional
28 reunification services are in the best interest of the child and that the
29 parent or legal guardian is making significant and consistent progress in
30 a substance abuse treatment program, or a parent or legal guardian has
31 is recently been discharged from incarceration, institutionalization, or
32 the custody of the United States Department of Homeland Security; and
33 is making significant and consistent progress in establishing a safe
34 home for the child’s return. The court must also inform the parent or
35 legal guardian that, if the child cannot be returned home by the
36 subsequent permanency review hearing, a hearing under section 366.26
37 may be instituted.

38
39 In order to find a substantial probability that the child will be returned
40 within the 24-month period, the court must find all of the following:

41
42 (i)–(iii) * * *

1 (B)–(C) * * *

2
3 (4) * * *

4
5 *(Subd (b) amended effective January 1, 2015; repealed and adopted as subd (b);*
6 *previously amended and relettered as subd (c) effective January 1, 2005, and as subd (b)*
7 *effective January 1, 2010; previously amended effective July 1, 1991, January 1, 1992,*
8 *January 1, 1993, January 1, 1995, July 1, 1995, January 1, 1999, July 1, 1999, January 1,*
9 *2006, July 1, 2006, January 1, 2007, July 1, 2007, July 1, 2010, and January 1, 2014.)*

10
11 *Rule 5.720 amended effective January 1, 2015; repealed and adopted as rule 1462 effective*
12 *January 1, 1990; previously amended and renumbered effective January 1, 2007; previously*
13 *amended effective July 1, 1991, January 1, 1992, January 1, 1993, January 1, 1994, January 1,*
14 *1995, July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, January 1, 2001, January 1,*
15 *2005, January 1, 2006, July 1, 2006, July 1, 2007, January 1, 2010, July 1, 2010, and January 1,*
16 *2014.*

17
18 **Rule 5.725. Selection of permanent plan (§§ 366.26, 727.31)**

19
20 (a)–(c) * * *

21
22 (d) **Conduct of hearing**

23 * * *

24
25
26 (1)–(3) * * *

27
28 (4) The party claiming that termination of parental rights would be detrimental to
29 the child ~~must have~~has the burden of proving the detriment.

30
31 (5)–(10) * * *

32
33 *(Subd (d) amended effective January 1, 2015; repealed and adopted as subd (c);*
34 *previously amended and relettered as subd (d) effective January 1, 1992, and as subd (e)*
35 *effective January 1, 2005; previously relettered as subd (d) effective January 1, 2010;*
36 *previously amended effective July 1, 1994, January 1, 1999, July 1, 1999, July 1, 2002,*
37 *January 1, 2006, January 1, 2007, January 1, 2009, and July 1, 2010.)*

38
39 (e) **Procedures—adoption**

40
41 (1)–(2) * * *

1 (3) If the court declares the child free from custody and control of the parents,
2 the court must at the same time order the child referred to a licensed county
3 adoption agency for adoptive placement. A petition for adoption of the child
4 may be filed and heard in the juvenile court but may not be granted until the
5 appellate rights of ~~the natural~~all parents have been exhausted.

6
7 (4) * * *

8
9 *(Subd (e) amended effective January 1, 2015; adopted as subd (d); previously relettered as*
10 *subd (e) effective January 1, 1992, as subd (f) effective January 1, 2005, and as subd (e)*
11 *effective January 1, 2010; previously amended effective July 1, 1992, January 1, 1995, July*
12 *1, 2002, January 1, 2006, January 1, 2007, and July 1, 2010.)*

13
14 (f) * * *

15
16 (g) **Purpose of termination of parental rights**

17
18 The purpose of termination of parental rights is to free the ~~dependent~~-child for
19 adoption. Therefore, the court must not terminate the rights of only one parent
20 unless that parent is the only surviving parent, or the rights of the other parent have
21 been terminated by a California court of competent jurisdiction or by a court of
22 competent jurisdiction of another state under the statutes of that state, or the other
23 parent has relinquished custody of the child to the county welfare department. The
24 rights of all parents—whether natural, presumed, biological, alleged, or unknown—
25 ~~the mother, any presumed father, any alleged father, and any unknown father or~~
26 ~~fathers~~ must be terminated in order to free the child for adoption.

27
28 *(Subd (g) amended effective January 1, 2015; adopted as subd (g) effective July 1, 1997;*
29 *previously amended and relettered as subd (h) effective January 1, 2005; previously*
30 *amended effective July 1, 2002; previously relettered as subd (g) effective January 1,*
31 *2010.)*

32
33 (h) * * *

34
35 *Rule 5.725 amended effective January 1, 2015; repealed and adopted as rule 1463 effective*
36 *January 1, 1991; previously amended and renumbered effective January 1, 2007; previously*
37 *amended effective January 1, 1992, July 1, 1992, January 1, 1994, July 1, 1994, January 1, 1995,*
38 *July 1, 1995, July 1, 1997, January 1, 1999, July 1, 1999, July 1, 2002, January 1, 2005, January*
39 *1, 2006, January 1, 2009, January 1, 2010, and July 1, 2010.*

40
41 **Rule 5.740. Hearings subsequent to a permanent plan (§§ 366.26, 366.3)**

42

1 **(a) Review hearings—adoption and guardianship**

2
3 * * *

4
5 (1) At the review hearing, the court must consider the report of the petitioner, as
6 required by section 366.3(fg), the report of any CASA volunteer, the case
7 plan submitted for this hearing, and any report submitted by the child’s
8 caregiver under section 366.21(d); inquire about the progress being made to
9 provide a permanent home for the child; consider the safety of the child; and
10 enter findings as required by section 366.3(e).

11
12 (2)–(4) * * *

13
14 *(Subd (a) amended effective January 1, 2015; repealed and adopted effective January 1,*
15 *1991; previously amended effective January 1, 1992, January 1, 1993, July 1, 1999,*
16 *January 1, 2005, January 1, 2006, January 1, 2007, and July 1, 2010.)*

17
18 **(b)–(c) * * ***

19
20 *Rule 5.740 amended effective January 1, 2015; adopted as rule 1465 effective January 1, 1991;*
21 *previously renumbered as rule 1466 effective July 1, 1995; previously amended and renumbered*
22 *effective January 1, 2007; previously amended effective January 1, 1992, January 1, 1993,*
23 *January 1, 1994, July 1, 1994, January 1, 1998, January 1, 1999, July 1, 1999, July 1, 2002,*
24 *January 1, 2005, January 1, 2006, July 1, 2010, and January 1, 2012.*

25
26 **Rule 5.790. Orders of the court**

27
28 **(a)–(e) * * ***

29
30 **(f) Family-finding determination (§ 628(d))**

31
32 (1) If the child is detained or at risk of entering foster care, the court must
33 consider and determine whether the probation officer has exercised due
34 diligence in conducting the required investigation to identify, locate, and
35 notify the child’s relatives. The court may consider the activities listed in (g)
36 as examples of due diligence. The court must document its determination by
37 making a finding on the record.

38
39 If the dispositional hearing is continued, the court may set a hearing to be
40 held 30 days from the date of detention or as soon as possible thereafter to
41 consider and determine whether the probation officer has exercised due
42 diligence in conducting the required investigation to identify, locate, and
43 notify the child’s relatives.

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43

(2) * * *

(Subd (f) amended effective January 1, 2015; adopted effective January 1, 2014.)

(g) Due diligence

When making the ~~inquiry-determination~~ required under in (f), the court may consider, among other examples of due diligence, whether the probation officer has done any of the following:

(1)-(7) * * *

(Subd (g) amended effective January 1, 2015; adopted effective January 1, 2014.)

(h)-(j) * * *

Rule 5.790 amended effective January 1, 2015; adopted as rule 1493 effective January 1, 1991; previously amended and renumbered effective January 1, 2007; previously amended effective January 1, 1998, July 1, 2002, January 1, 2004, January 1, 2006, January 1, 2008, and January 1, 2014.

Rule 7.551. Final accounts or reports in estates with nonresident beneficiaries

(a) Final account

~~Under Revenue and Taxation Code section 19513 and the regulations of the Franchise Tax Board, the court must not approve a final account in an estate that has a total appraised value greater than \$1,000,000 and from which more than \$250,000 in the aggregate has been distributed or is distributable to beneficiaries who are not residents of California, until the executor or administrator has filed the Franchise Tax Board's state income tax certificate showing that all state personal income taxes, additions to tax, penalties, and interest imposed on the estate or the decedent have been paid or that payment has been secured.~~

(b) Final report

~~If a final account is waived under Probate Code section 10954 in an estate described in (a), the court must not approve the final report required by section 10954(e)(1) until the executor or administrator has filed the Franchise Tax Board's state income tax certificate showing that all state personal income taxes, additions to tax, penalties, and interest imposed on the estate or the decedent have been paid or that payment has been secured.~~

1
2 **(e) Expiration date of certificate**

3
4 If the certificate described in (a) or (b) is issued on the condition that the final
5 account or report must be approved before a date specified in the certificate, the
6 court must not approve the final account or report after that date unless the executor
7 or administrator first files a new or revised certificate.
8

9 *Rule 7.551 repealed effective January 1, 2015; adopted effective January 1, 2004.*

10
11 **Rule 7.552. Graduated filing fee adjustments for estates commenced on or after**
12 **August 18, 2003, and before January 1, 2008**

13
14 This rule applies to decedents' estate proceedings commenced on or after August 18,
15 2003, and before January 1, 2008. Rule 7.553 applies to decedents' estate proceedings
16 commenced on or after January 1, 2008.
17

18 **(a) Separate schedule for graduated fee information**

19
20 The final account or report filed in every decedent's estate proceeding commenced
21 on or after August 18, 2003, and before January 1, 2008, must include a separate
22 schedule showing the following information:
23

- 24 (1) The name of each petitioner on the first filed *Petition for Probate* (form DE-
25 111) in the proceeding;
- 26
27 (2) The date the first filed *Petition for Probate* was filed in the proceeding;
- 28
29 (3) The estimated value of the estate shown in item 3, "estimated value of the
30 estate for filing fee purposes," of the first filed *Petition for Probate* in the
31 proceeding;
- 32
33 (4) The filing fee paid by or for the petitioner on the first filed *Petition for*
34 *Probate* in the proceeding; and
- 35
36 (5) The following information from the inventories filed in the proceeding:
- 37
38 (A) The date each partial, supplemental, final, or corrected *Inventory and*
39 *Appraisal* (form DE-160/GC-040) was filed;
- 40
41 (B) The total appraised value of the assets of the estate shown in each filed
42 partial, supplemental, or final *Inventory and Appraisal*;
43

1 (C) Changes in the appraised value of the assets of the estate shown in each
2 filed corrected *Inventory and Appraisal*; and

3
4 (D) The combined total appraised value of the estate shown in all filed
5 partial, supplemental, final, and corrected inventories.

6
7 (6) A statement of the amount of filing fee that would have been payable under
8 Government Code section 70650, as amended effective on the date the first-
9 filed *Petition for Probate* was filed in the proceeding, if the total actual
10 appraised value of the estate had been used as the estimated value for filing
11 fee purposes (the “corrected filing fee”);

12
13 (7) Calculation of the difference between the estimated filing fee paid under
14 Government Code section 70650 on filing the first *Petition for Probate* in the
15 proceeding (the “estimated filing fee”) and the “corrected filing fee,” as
16 determined under (6) and subdivision (e) of this rule; and

17
18 (8) The following information concerning filing fee reimbursement payments
19 made by a personal representative in the proceeding under rule 7.151:

20
21 (A) The amount of each payment;

22
23 (B) The date each payment was made; and

24
25 (C) The name, address, and telephone number of the payee and of any
26 attorney of record for the payee in the proceeding.

27
28 **(b) ~~If estimated filing fee less than corrected filing fee~~**

29
30 ~~If the estimated filing fee is less than the corrected filing fee, as determined under~~
31 ~~(a) and (c), the petition filed with the final account or report must allege that the~~
32 ~~difference between them has been paid to the clerk of the court. A copy of the~~
33 ~~clerk’s receipt for the payment, and, if applicable, a receipt or other evidence~~
34 ~~satisfactory to the court of payment of the reimbursement required under rule~~
35 ~~7.151, must be attached as an exhibit to the account or report.~~

36
37 **(e) ~~If estimated filing fee more than corrected filing fee~~**

38
39 ~~(1) Subject to the provisions of rule 7.151, if the estimated filing fee is more than~~
40 ~~the corrected filing fee, as determined under (a) and (c), the personal~~
41 ~~representative of the decedent’s estate is eligible under this subdivision to~~
42 ~~receive a refund of the difference between them, without interest.~~

the proceeding]

1
2 *Rule 7.552 repealed effective January 1, 2015; adopted effective January 1, 2004; previously*
3 *amended effective January 1, 2007, and March 1, 2008.*
4

5 **Rule 7.553. ~~Graduated filing fee statements for decedents' estates commenced on or~~**
6 **~~after January 1, 2008~~**

7
8 ~~This rule applies to decedents' estates commenced on or after January 1, 2008.~~
9

10 **~~(a) Separate schedule for graduated fee information~~**

11
12 ~~The final account or report or petition for final distribution filed in every decedent's~~
13 ~~estate proceeding commenced on or after January 1, 2008, must include a separate~~
14 ~~schedule showing the following information:~~

15
16 ~~(1) The date the first filed *Petition for Probate* (form DE-111) was filed in the~~
17 ~~proceeding; and~~

18
19 ~~(2) The following information from the inventories filed in the proceeding:~~

20
21 ~~(A) The date each partial, supplemental, final, or corrected *Inventory and*~~
22 ~~*Appraisal* (form DE-160/GC-040) was filed;~~

23
24 ~~(B) The total appraised value of the assets of the estate shown in each filed~~
25 ~~partial, supplemental, or final *Inventory and Appraisal*;~~

26
27 ~~(C) Changes in the appraised value of the assets of the estate shown in each~~
28 ~~filed corrected *Inventory and Appraisal*; and~~

29
30 ~~(D) The combined total appraised value of the estate shown in all filed~~
31 ~~partial, supplemental, final, and corrected inventories.~~
32

33 **~~(b) Adjustment in corrected filing fee in insolvent estates~~**

34
35 ~~If the property of the estate is insufficient to pay expenses of administration in full,~~
36 ~~the court may approve a determination of the corrected filing fee under this rule~~
37 ~~that reflects the proportionate reduction of those expenses under Probate Code~~
38 ~~section 11420. The corrected filing fee may not be reduced below the minimum fee~~
39 ~~required by Government Code section 70650 on the date the estate was~~
40 ~~commenced.~~
41

1 **(e) Sample schedule of filing fee information**

2
3 The schedule of graduated fee information required under (a) may be substantially
4 as follows:

5
6 **SCHEDULE** ==

7
8 **Graduated Filing Fee Information**

9
10 ~~1. The first filed Petition for Probate in this proceeding was filed on [Date]~~
11 ~~by [name of each petitioner].~~

12
13 ~~2. The following inventories have been filed in this proceeding:~~

Type	Date Filed	Appraised Value
[Partial no. ==]	[09/30/09]	\$
[Partial no. ==]		\$
Final		\$
[Supplemental]		\$
[Correcting]		\$(or \$)=====
Total appraised value of estate:		\$=====

14
15
16 ~~3. Graduated Filing Fee:~~

17
18 ~~Total appraised value of estate: \$~~

19 ~~Filing fee as of the date in 1 above, based on total~~
20 ~~appraised value of estate: \$~~

21 ~~Adjustment to reflect proportional reduction of~~
22 ~~expenses of administration for insolvent estate under~~
23 ~~Cal. Rules of Court, rule 7.553(b): (\$=====)~~

24 ~~Corrected Filing Fee: \$=====~~

25
26 *Rule 7.553 repealed effective January 1, 2015; adopted effective March 1, 2008.*

27
28 **Rule 8.45. General provisions**

29 **(a)-(d) * * ***

Advisory Committee Comment

1 **Subdivision (a).** Many laws address sealed and confidential records. These laws differ from each
2 other in a variety of respects, including what information is closed to inspection, from whom it is
3 closed, under what circumstances it is closed, and what procedures apply to closing or opening it
4 to inspection. It is very important to determine if any such law applies with respect to a particular
5 record because where other laws establish specific requirements that differ from the requirements
6 in this article, those specific requirements supersede the requirements in this article.

7
8 **Subdivision (b)(5).** Examples of confidential records are records in juvenile proceedings (Welf.
9 & Inst. Code, § 827 and California Rules of Court, rule 8.401), records of the family conciliation
10 court (Fam. Code, § 1818(b)), fee waiver applications (Gov. Code, § 68633(f)), ~~probation reports~~
11 ~~(Penal Code, § 1203.05)~~, and court-ordered diagnostic reports (Penal Code, § 1203.03). This term
12 also encompasses records closed to inspection by a court order other than an order under rules
13 2.550–2.551 or 8.46, such as situations in which case law, statute, or rule has established a
14 category of records that must be closed to inspection and a court has found that a particular record
15 falls within that category and has ordered that it be closed to inspection. Examples include
16 discovery material subject to a protective order under Code of Civil Procedure sections ~~section~~
17 2030.090, 2032.060, or 2033.080 and records closed to inspection by court order under *People v.*
18 *Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531. For more
19 examples of confidential records, please see appendix 1 of the *Trial Court Records Manual* at
20 www.courts.ca.gov/documents/trial-court-records-manual.pdf.

21
22 **Subdivisions (c) and (d).** The requirements in this rule for format and transmission of and access
23 to sealed and confidential records apply only unless otherwise provided by law. Special
24 requirements that govern transmission of and/or access to particular types of records may
25 supersede the requirements in this rule. For example, rules 8.619(g) and 8.622(e) require copies
26 of reporters’ transcripts in capital cases to be sent to the Habeas Corpus Resource Center and the
27 California Appellate Project in San Francisco, and under rules 8.336(d) and 8.409~~(d)~~(e), in non-
28 capital felony appeals, if the defendant—or in juvenile appeals, if the appellant, or the respondent,
29 ~~or the minor~~—is not represented by appellate counsel when the transcripts are certified as correct,
30 the clerk must send that counsel’s copy of the transcripts to the district appellate project.

31
32 **Subdivision (c)(1)(C).** For example, for juvenile records, this mark could state “Confidential—
33 Welf. & Inst. Code, § 827” or “Confidential—Juvenile Case File”; for a fee waiver application,
34 this mark could state “Confidential—Gov. Code, § 68633(f)” or “Confidential—Fee Waiver
35 Application”; ~~for a probation report, this mark could say “Confidential—Pen. Code, § 1203.05”~~
36 ~~or “Confidential—Probation Report”~~; and for a transcript of an in-camera hearing under *People v.*
37 *Marsden* (1970) 2 Cal.3d 118, this mark could say “Confidential—*Marsden* Hearing.”

38
39 **Subdivision (c)(2).** * * *

40
41 **Subdivision (c)(3).** * * *

42
43 **Subdivision (d).** * * *

1
2 **Subdivision (d)(4).** This rule limits to whom a copy of a probation report is transmitted based on
3 the provisions of Penal Code section 1203.05, which limit who may inspect or copy probation
4 reports.

5
6 **Rule 8.47. Confidential records**

7
8 **(a)–(c) * * ***

9
10 **Advisory Committee Comment**

11
12 **Subdivisions (a) and (c).** Note that there are many laws that address the confidentiality of
13 various records. These laws differ from each other in a variety of respects, including what
14 information is closed to inspection, from whom it is closed, under what circumstances it is closed,
15 and what procedures apply to closing or opening it to inspection. It is very important to determine
16 if any such law applies with respect to a particular record because this rule applies only to
17 confidential records as defined in rule 8.45, and the procedures in this rule apply only “unless
18 otherwise provided by law.” Thus, where other laws establish specific requirements that differ
19 from the requirements in this rule, those specific requirements may be special requirements that
20 govern particular types of confidential records that supersede the requirements in this rule. For
21 example, although Penal Code section 1203.05 limits who may inspect or copy probation reports,
22 much of the material contained in such reports—such as the factual summary of the offense(s);
23 the evaluations, analyses, calculations, and recommendations of the probation officer; and other
24 nonpersonal information—is not considered confidential under that statute and is routinely
25 discussed in openly filed appellate briefs (see *People v. Connor* (2004) 115 Cal.App.4th 669,
26 695–696). In addition, this rule does not alter any existing authority for a court to open a
27 confidential record to inspection by the public or another party to a proceeding.

28
29 **Subdivision (c)(1). * * ***

30
31 **Subdivision (c)(2). * * ***

32
33 **Rule 8.108. Extending the time to appeal**

34
35 **(a)–(c) * * ***

36
37 **(d) Motion for judgment notwithstanding the verdict**

38
39 (1) * * *

40
41 (2) Unless extended by (eg)(2), the time to appeal from an order denying a
42 motion for judgment notwithstanding the verdict is governed by rule 8.104.

1 *(Subd (d) amended effective January 1, 2015; adopted as subd (c); previously amended*
2 *effective January 1, 2007; previously relettered as subd (d) effective January 1, 2008;*
3 *previously amended effective January 1, 2007, and January 1, 2011.)*

4
5 **(e)–(h) * * ***

6
7 *Rule 8.108 amended effective January 1, 2015; repealed and adopted as rule 3 effective January*
8 *1, 2002; previously amended and renumbered effective January 1, 2007; previously amended*
9 *effective January 1, 2008, January 1, 2011, and July 1, 2012.*

10
11 **Rule 8.212. Service and filing of briefs**

12
13 **(a) * * ***

14
15 **(b) Extensions of time**

16
17 (1) Except as otherwise provided by statute or when the time to file the brief has
18 previously been extended under (3) or rule 8.220(d), the parties may extend
19 each period under (a) by up to 60 days by filing one or more stipulations in
20 the reviewing court before the brief is due. Stipulations must be signed by
21 and served on all parties.

22
23 (2)–(3) * * *

24
25 (4) A party need not apply for an extension or relief from default if it can file its
26 brief within the time prescribed by rule 8.220(a). The clerk must file a brief
27 submitted within that time if it otherwise complies with these rules.

28
29 *(Subd (b) amended effective January 1, 2015; previously amended effective January 1,*
30 *2003, July 1, 2005, January 1, 2007, January 1, 2010, January 1, 2011, January 1, 2013,*
31 *and January 1, 2014.)*

32
33 **(c) Service**

34
35 (1) * * *

36
37 (2) If a brief is not filed electronically under rules 8.70–8.79, one electronic copy
38 of each brief must be submitted to the Court of Appeal. For purposes of this
39 requirement, the term “brief” does not include a petition for rehearing or an
40 answer thereto.

41
42 (A) * * *

1 (B) If ~~the Court of Appeal has ordered~~ the brief discloses material
2 contained in a sealed or conditionally sealed record, the party serving
3 the brief must comply with rule 8.46(f) and include as the first page in
4 the PDF document a cover sheet that contains the information required
5 by rule 8.204(b)(10), ~~and labels the contents as “CONDITIONALLY~~
6 ~~UNDER SEAL.”~~ ~~The Court of Appeal clerk must promptly notify the~~
7 ~~Supreme Court of any court order unsealing the brief. In the absence of~~
8 ~~such notice, the Supreme Court clerk must keep all copies of the brief~~
9 ~~under seal.~~

10
11 (C) If it would cause undue hardship for the party filing the brief to submit
12 an electronic copy of the brief to the Court of Appeal, the party may
13 instead serve four paper copies of the brief on the Supreme Court. If ~~the~~
14 ~~Court of Appeal has ordered~~ the brief discloses material contained in a
15 sealed or conditionally sealed record, the party serving the brief must
16 comply with rule 8.46(f) ~~place all four copies of the brief in a sealed~~
17 ~~envelope~~ and attach a cover sheet that contains the information required
18 by rule 8.204(b)(10), ~~and labels the contents as “CONDITIONALLY~~
19 ~~UNDER SEAL.”~~ ~~The Court of Appeal clerk must promptly notify the~~
20 ~~Supreme Court of any court order unsealing the brief. In the absence of~~
21 ~~such notice, the Supreme Court clerk must keep all copies of the~~
22 unredacted brief under seal.

23
24 (3) * * *

25
26 *(Subd (c) amended effective January 1, 2015; previously amended effective January 1,*
27 *2004, January 1, 2005, January 1, 2007, January 1, 2008, January 1, 2013, and January 1,*
28 *2014.)*

29
30 *Rule 8.212 amended effective January 1, 2015; repealed and adopted as rule 15 effective January*
31 *1, 2002; previously amended and renumbered effective January 1, 2007; previously amended*
32 *effective January 1, 2003, January 1, 2004, January 1, 2005, July 1, 2005, January 1, 2008,*
33 *January 1, 2010, January 1, 2011, January 1, 2013, and January 1, 2014.*

34
35 **Rule 8.252. Judicial notice; findings and evidence on appeal**

36
37 **(a) Judicial notice**

38
39 (1)–(2) * * *

40
41 (3) If the matter to be noticed is not in the record, the party must serve and file a
42 copy with the motion or explain why it is not practicable to do so. The pages

1 of the copy of the matter or matters to be judicially noticed must be
2 consecutively numbered, beginning with the number 1.

3
4 (Subd (a) amended effective January 1, 2015; previously amended effective January 1,
5 2009, and January 1, 2013.)

6
7 **(b)–(c) * * ***

8
9 *Rule 8.252 amended effective January 1, 2015; repealed and adopted as rule 22 effective January*
10 *1, 2003; previously amended and renumbered effective January 1, 2007; previously amended*
11 *effective January 1, 2009, and January 1, 2013.*

12
13 **Rule 8.320. Normal record; exhibits**

14
15 **(a)–(f) * * ***

16
17 **Advisory Committee Comment**

18
19 Rules 8.45–8.46 address the appropriate handling of sealed and confidential records that must be
20 included in the record on appeal. Examples of confidential records include ~~probation reports,~~
21 Penal Code section 1203.03 diagnostic reports, records closed to inspection by court order under
22 *People v. Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-
23 camera proceedings on a confidential informant, and defense expert funding requests (Pen. Code,
24 § 987.9; *Keenan v. Superior Court* (1982) 31 Cal.3d 424, 430).

25
26 **Subdivision (d)(1)(E). * * ***

27
28 **Rule 8.336. Preparing, certifying, and sending the record**

29
30 **(a)–(h) * * ***

31
32 **Advisory Committee Comment**

33
34 **Subdivision (a). * * ***

35
36 **Subdivision (d). * * ***

37
38 **Subdivision (f).** Examples of confidential records include ~~probation reports,~~ Penal Code section
39 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden*
40 (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings
41 on a confidential informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v.*
42 *Superior Court* (1982) 31 Cal.3d 424, 430).

1 **Rule 8.380. Petition for writ of habeas corpus filed by petitioner not represented by**
2 **an attorney**

3
4 **(a)–(c) * * ***

5
6 **Advisory Committee Comment**

7
8 **Subdivision (b).** Examples of confidential records include ~~probation reports~~, Penal Code section
9 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden*
10 (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings
11 on a confidential informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v.*
12 *Superior Court* (1982) 31 Cal.3d 424, 430).

13
14 **Rule 8.384. Petition for writ of habeas corpus filed by an attorney for a party**

15
16 **(a)–(d) * * ***

17
18 **Advisory Committee Comment**

19
20 **Subdivision (b)(4).** Examples of confidential records include ~~probation reports~~, Penal Code
21 section 1203.03 diagnostic reports, records closed to inspection by court order under *People v.*
22 *Marsden* (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera
23 proceedings on a confidential informant, and defense expert funding requests (Pen. Code,
24 § 987.9; *Keenan v. Superior Court* (1982) 31 Cal.3d 424, 430).

25
26
27 **Rule 8.385. Proceedings after the petition is filed**

28
29 **(a)–(f) * * ***

30
31 **Advisory Committee Comment**

32
33 **Subdivision (a).** Examples of confidential records include ~~probation reports~~, Penal Code section
34 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden*
35 (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings
36 on a confidential informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v.*
37 *Superior Court* (1982) 31 Cal.3d 424, 430).

38
39 **Subdivision (c).** * * *

40
41 **Subdivision (d).** * * *

42

1 **Rule 8.409. Preparing and sending the record**

2
3 **(a) Application**

4
5 ~~Except as provided in 8.416(c)(1), This rule does not apply to~~ applies to appeals in
6 juvenile cases except cases under governed by rule 8.416.

7
8 *(Subd (a) amended effective January 1, 2015; previously amended effective January 1,*
9 *2007 and July 1, 2010.)*

10
11 **(b) Form of record**

12
13 The clerk's and reporter's transcripts must comply with rules 8.45–8.467, relating
14 to sealed and confidential records, and, ~~except in cases governed by rule 8.416(b),~~
15 with rule 8.144.

16
17 *(Subd (b) amended effective January 1, 2015; adopted effective January 1, 2014.)*

18
19 **(c) Preparing and certifying the transcripts**

20
21 Within 20 days after the notice of appeal is filed:

- 22
23 (1) The clerk must prepare and certify as correct an original of the clerk's
24 transcript and ~~sufficient copies to comply with (d)~~ one copy each for the
25 appellant, the respondent, the child's Indian tribe if the tribe has intervened,
26 and the child if the child is represented by counsel on appeal or if a
27 recommendation has been made to the Court of Appeal for appointment of
28 counsel for the child under rule 8.403(b)(2) and that recommendation is
29 either pending with or has been approved by the Court of Appeal but counsel
30 has not yet been appointed; and

- 31
32 (2) * * *

33
34 *(Subd (c) amended effective January 1, 2015; adopted as subd (b); previously amended*
35 *effective January 1, 2007; previously amended and relettered as subd (c) effective January*
36 *1, 2014.)*

37
38 **(d) * * ***

39
40 **(e) Sending the record**

- 41
42 (1) When the transcripts are certified as correct, the ~~superior~~ court clerk must
43 immediately send:

- 1
2 (A) * * *
3
4 (B) One copy of each transcript to the appellate counsel for the following,
5 if they have appellate counsel:
6
7 (i) The appellant;
8
9 (ii) The respondent;
10
11 (iii) The minor, and the minor's child's Indian tribe if the tribe has
12 intervened; and
13
14 (iv) The child.

15
16 (2) If appellate counsel has not yet been retained or appointed for the appellant,
17 or the respondent, or the minor if a recommendation has been made to the
18 Court of Appeal for appointment of counsel for the child under rule
19 8.403(b)(2) and that recommendation is either pending with or has been
20 approved by the Court of Appeal but counsel has not yet been appointed,
21 when the transcripts are certified as correct, the clerk must send that
22 counsel's copy of the transcripts to the district appellate project. If a tribe that
23 has intervened is not represented by counsel when the transcripts are certified
24 as correct, the clerk must send that counsel's copy of the transcripts to the
25 tribe.

26
27 (3) * * *

28
29 *(Subd (e) amended effective January 1, 2015; adopted as subd (d); previously amended*
30 *effective January 1, 2007, and January 1, 2013; previously relettered as subd (e) effective*
31 *January 1, 2014.)*

32
33 *Rule 8.409 amended effective January 1, 2015; adopted as rule 37.2 effective January 1, 2005;*
34 *previously amended and renumbered as rule 8.408 effective January 1, 2007, and as rule 8.409*
35 *effective July 1, 2010; previously amended effective January 1, 2013, and January 1, 2014.*

36 37 **Advisory Committee Comment**

38
39 **Subdivision (a).** Subdivision (a) calls litigants' attention to the fact that a different rule (rule
40 8.416) governs ~~sending~~ the record in appeals from judgments or orders terminating parental rights
41 and in dependency appeals in certain counties. ~~Rule 8.408(b) governs preparing and certifying~~
42 ~~the record in those appeals. (See rule 8.416(c)(1) ["The record must be prepared and certified as~~
43 ~~provided in rule 8.409(b)"].)~~

1
2 **Subdivision (b).** Examples of confidential records include records closed to inspection by court
3 order under *People v. Marsden* (1970) 2 Cal.3d 118 and in-camera proceedings on a confidential
4 informant.

5
6 **Subdivision (c)(2).** * * *

7
8 **Subdivision (e).** Subsection (1)(B) clarifies that when a ~~minor's~~ child's Indian tribe has
9 intervened in the proceedings, the tribe is a party who must receive a copy of the appellate record.
10 The statutes that require notices to be sent to a tribe by registered or certified mail return receipt
11 requested and generally be addressed to the tribal chairperson (25 U.S.C. § 1912 (a), 25 C.F.R. §
12 23.11, and Welf. & Inst. Code, § 224.2) do not apply to the sending of the appellate record.

13
14 **Rule 8.410. Augmenting and correcting the record in the reviewing court**

15
16 **(a) Omissions**

17
18 If, after the record is certified, the superior court clerk or the reporter learns that the
19 record omits a document or transcript that any rule or order requires to be included,
20 without the need for a motion or court order, the clerk must promptly copy and
21 certify the document or the reporter must promptly prepare and certify the
22 transcript and the clerk must promptly send the document or transcript—as an
23 augmentation of the record—to all those who are listed under 8.409~~(d)~~(e).

24
25 *(Subd (a) amended effective January 1, 2015.)*

26
27 **(b) Augmentation or correction by the reviewing court**

28
29 (1) * * *

30
31 (2) If, after the record is certified, the trial court amends or recalls the judgment
32 or makes any other order in the case, the trial court clerk must notify each
33 entity and person to whom the record is sent under rule 8.409~~(d)~~(e).

34
35 *(Subd (b) amended effective January 1, 2015.)*

36
37 *Rule 8.410 amended effective January 1, 2015; adopted effective July 1, 2010.*

38
39 **Rule 8.416. Appeals from all terminations of parental rights; dependency appeals in**
40 **Orange, Imperial, and San Diego Counties and in other counties by local rule**

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

1 (b) **Cover Form of record**

2
3 (1) The clerk’s and reporter’s transcripts must comply with rules 8.45–8.467,
4 relating to sealed and confidential records, and, except as provided in (2) and
5 (3), with rule 8.144.

6
7 ~~(1)~~(2) In appeals under (a)(1)(A), the cover of the record must prominently display
8 the title “Appeal From [Judgment or Order] Terminating Parental Rights
9 Under [Welfare and Institutions Code Section 366.26 or Family Code Section
10 7800 et seq.],” whichever is appropriate.

11
12 ~~(2)~~(3) In appeals under (a)(1)(B), the cover of the record must prominently display
13 the title “Appeal From [Judgment or Order] Under [Welfare and Institutions
14 Code Section 300 et seq. or Family Code Section 7800 et seq.],” whichever is
15 appropriate.

16
17 *(Subd (b) amended effective January 1, 2015; previously amended effective July 1, 2010.)*

18
19 (c) **Preparing, certifying, and sending the record**

20
21 (1) ~~The record must be prepared and certified as provided in rule 8.409(b).~~
22 Within 20 days after the notice of appeal is filed:

23
24 (A) The clerk must prepare and certify as correct an original of the clerk’s
25 transcript and one copy each for the appellant, the respondent, the
26 district appellate project, the child’s Indian tribe if the tribe has
27 intervened, and the child if the child is represented by counsel on
28 appeal or if a recommendation has been made to the Court of Appeal
29 for appointment of counsel for the child under rule 8.403(b)(2) and that
30 recommendation is either pending with or has been approved by the
31 Court of Appeal but counsel has not yet been appointed; and

32
33 (B) The reporter must prepare, certify as correct, and deliver to the clerk an
34 original of the reporter’s transcript and the same number of copies as
35 (A) requires of the clerk’s transcript. On request, and unless the trial
36 court orders otherwise, the reporter must provide the Court of Appeal
37 and any party with a copy of the reporter’s transcript in computer-
38 readable format. Each computer-readable copy must comply with the
39 format, labeling, content, and numbering requirements of Code of Civil
40 Procedure section 271(b).

41
42 (2) When the clerk’s and reporter’s transcripts are certified as correct, the clerk
43 must immediately send:

1
2 (A) * * *

3
4 (B) One copy of each transcript to the district appellate project and to the
5 attorneys of record appellate counsel for the appellant, the respondent,
6 and the child, and to the district appellate project, the following, if they
7 have appellate counsel, by any method as fast as United States Postal
8 Service express mail-;

9
10 (i) The appellant;

11
12 (ii) The respondent;

13
14 (iii) The child's Indian tribe if the tribe has intervened; and

15
16 (iv) The child.

17
18 (3) If appellate counsel has not yet been retained or appointed for the appellant or
19 the respondent or if a recommendation has been made to the Court of Appeal
20 for appointment of counsel for the child under rule 8.403(b)(2) and that
21 recommendation is either pending with or has been approved by the Court of
22 Appeal but counsel has not yet been appointed, when the transcripts are
23 certified as correct, the clerk must send that counsel's copies of the
24 transcripts to the district appellate project. If a tribe that has intervened is not
25 represented by counsel when the transcripts are certified as correct, the clerk
26 must send that counsel's copy of the transcripts to the tribe.
27

28 *(Subd (c) amended effective January 1, 2015; previously amended effective January 1,*
29 *2007, and July 1, 2010.)*

30
31 **(d)–(h)** * * *

32
33 *Rule 8.416 amended effective January 1, 2015; adopted as rule 37.4 effective January 1, 2005;*
34 *previously amended and renumbered effective January 1, 2007; previously amended effective*
35 *July 1, 2010.*

36
37 **Rule 8.610. Contents and form of the record**

38
39 **(a)–(d)** * * *

40
41
42 **Advisory Committee Comment**
43

1 **Subdivision (a).** * * *

2
3 **Subdivision (b).** Examples of confidential records include ~~probation reports~~, Penal Code section
4 1203.03 diagnostic reports, records closed to inspection by court order under *People v. Marsden*
5 (1970) 2 Cal.3d 118 or *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, in-camera proceedings
6 on a confidential informant, and defense expert funding requests (Pen. Code, § 987.9; *Keenan v.*
7 *Superior Court* (1982) 31 Cal.3d 424, 430).

8
9 **Rule 8.809. Judicial notice**

10
11 **(a)** * * *

12
13 **(b) Copy of matter to be judicially noticed**

14
15 If the matter to be noticed is not in the record, the party must serve and file a copy
16 with the motion or explain why it is not practicable to do so. The pages of the copy
17 of the matter or matters to be judicially noticed must be consecutively numbered,
18 beginning with the number 1.

19
20 *(Subd (b) amended effective January 1, 2015.)*

21
22 *Rule 8.809 amended effective January 1, 2015; adopted effective January 1, 2011; previously*
23 *amended effective January 1, 2013.*

24
25 **Rule 10.107. Trial Court Budget Working Group**

26
27 ~~The Administrative Director of the Courts must appoint annually a Trial Court Budget~~
28 ~~Working Group to advise the director on trial court budget issues. The working group~~
29 ~~must include trial court judicial officers and trial court executive officers reflecting the~~
30 ~~diversity of state trial courts, including location, size, and adequacy of funding. The~~
31 ~~working group may also include others selected by the Administrative Director of the~~
32 ~~Courts.~~

33
34 *Rule 10.107 repealed effective January 1, 2015; repealed and adopted as rule 6.45 effective*
35 *January 1, 2005; previously renumbered as rule 10.45 effective January 1, 2007, and as rule*
36 *10.107 effective August 14, 2009.*

37
38 **Rule 10.952. Meetings concerning the criminal court system**

39
40 The supervising judge or, if none, the presiding judge must designate judges of the court
41 to attend regular meetings to be held with the district attorney; public defender;
42 representatives of the local bar, probation department, parole office, sheriff department,
43 police departments, and Forensic Conditional Release Program (CONREP); county

1 mental health director or his or her designee; county ~~director of the California~~
2 ~~Department of Alcohol and Drug Programs~~ alcohol and drug programs director or his or
3 her designee; court personnel; and other interested persons to identify and eliminate
4 problems in the criminal court system and to discuss other problems of mutual concern.

5
6 *Rule 10.952 amended effective January 1, 2015; adopted as rule 227.8 effective January 1, 1985;*
7 *previously amended and renumbered effective January 1, 2007; previously amended effective*
8 *January 1, 2014.*

9
10 **Rule 10.960. Court self-help centers**

11
12 **(a)–(d) * * ***

13
14 **(e) Guidelines and procedures**

15
16 The ~~Administrative Office of the Courts~~ Advisory Committee on Providing Access
17 and Fairness must recommend to the council updates to the *Guidelines for the*
18 *Operation of Self-Help Centers in California Trial Courts* as needed. It should, in
19 collaboration with judges, court executives, attorneys, and other parties with
20 demonstrated interest in services to self-represented litigants, ~~must~~ develop and
21 disseminate guidelines, ~~and~~ procedures and best practices for the operation of court
22 self-help centers ~~to the trial courts by March 1, 2008~~. The guidelines and
23 procedures must address the following topics:

24
25 **(1)–(10) * * ***

26
27 ~~The Advisory Committee on Providing Access and Fairness in the Courts must~~
28 ~~recommend to the council updated guidelines and procedures for court self-help~~
29 ~~centers, as needed.~~

30
31 *(Subd (e) amended effective January 1, 2015; previously amended effective February 20,*
32 *2014.)*

33
34 **(f) * * ***

35
36 *Rule 10.960 amended effective January 1, 2015; adopted effective January 1, 2008; previously*
37 *amended effective February 20, 2014.*

38
39 **Standard 5.20. Uniform standards of practice for providers of supervised visitation**

40
41 **(a) Scope of service**

1 This standard defines the standards of practice, including duties and obligations, for
2 providers of supervised visitation under Family Code sections 3200 and 3200.5.
3 Unless specified otherwise, the standards of practice are designed to apply to all
4 providers of supervised visitation, whether the provider is a friend, relative, paid
5 independent contractor, employee, intern, or volunteer operating independently or
6 through a supervised visitation center or agency. The goal of these standards of
7 practice is to assure the safety and welfare of the child, adults, and providers of
8 supervised visitation. Once safety is assured, the best interest of the child is the
9 paramount consideration at all stages and particularly in deciding the manner in
10 which supervision is provided. Each court is encouraged to adopt local court rules
11 necessary to implement these standards of practice.
12

13 *(Subd (a) amended effective January 1, 2015; previously amended effective January 1,*
14 *2007.)*

15
16 **(b) Definition**

17
18 Family Code section 3200 defines the term “provider” as including any individual
19 or supervised visitation center that monitors visitation. Supervised visitation is
20 contact between a noncustodial party and one or more children in the presence of a
21 neutral third person. ~~These standards of practice and this definition do not apply to~~
22 ~~supervision of visitation exchanges only, but may be useful in that context.~~
23

24 *(Subd (b) amended effective January 1, 2015; previously amended effective January 1,*
25 *2007.)*

26
27 **(c) Qualifications of the Type of provider**

28
29 Who provides the supervision and the manner in which supervision is provided
30 depends on different factors, including local resources, the financial situation of the
31 parties, and the degree of risk in each case. While the court makes the final decision
32 as to the manner in which supervision is provided and any terms or conditions, the
33 court may consider recommendations by the attorney for the child, the parties and
34 their attorneys, Family Court Services staff, evaluators, and therapists, ~~and~~
35 ~~providers of supervised visitation.~~ As specified in Family Code section 3200.5, in
36 any case in which the court has determined that there is domestic violence or child
37 abuse or neglect, as defined in section 11165.6 of the Penal Code, and the court
38 determines supervision is necessary, the court must consider whether to use a
39 professional or nonprofessional provider based on the child’s best interest.
40

41 *(Subd (c) amended effective January 1, 2015; previously amended effective January 1,*
42 *2007.)*

1 **(d) Qualifications of nonprofessional providers**

2
3 (1) A “nonprofessional provider” is any person who is not paid for providing
4 supervised visitation services. Unless otherwise ordered by the court or
5 stipulated by the parties, the nonprofessional provider ~~should~~ must:

6
7 ~~(A) Be 21 years of age or older;~~

8
9 ~~(B) Have no conviction for driving under the influence (DUI) within the~~
10 ~~last 5 years;~~

11
12 ~~(C) Not have been on probation or parole for the last 10 years;~~

13
14 ~~(D)~~(A) Have no record of a conviction for child molestation, child abuse,
15 or other crimes against a person;

16
17 ~~(E)~~(B) Have proof of automobile insurance if transporting the child;

18
19 ~~(F) Have no civil, criminal, or juvenile restraining orders within the last 10~~
20 ~~years;~~

21
22 ~~(G)~~(C) Have no current or past court order in which the provider is the
23 person being supervised; and

24
25 ~~(H) Not be financially dependent on the person being supervised;~~

26
27 ~~(I) Have no conflict of interest under (g); and~~

28
29 ~~(J)~~(D) Agree to adhere to and enforce the court order regarding
30 supervised visitation.

31
32 (2) Unless otherwise ordered by the court or stipulated by the parties, the
33 nonprofessional provider should:

34
35 (A) Be 21 years of age or older;

36
37 (B) Have no record of conviction for driving under the influence (DUI)
38 within the last 5 years;

39
40 (C) Not have been on probation or parole for the last 10 years;

41
42 (D) Have no civil, criminal, or juvenile restraining orders within the last 10
43 years; and

1
2 (E) Not be financially dependent on the person being supervised.

3
4 (Subd (d) relettered and amended effective January 1, 2015; adopted as part of subd (c).)

5
6 (e) **Qualifications of professional providers**

7
8 (2) A “professional provider” is any person paid for providing supervised visitation
9 services, or an independent contractor, employee, intern, or volunteer operating
10 independently or through a supervised visitation center or agency. The professional
11 provider ~~should~~ must:

12
13 (A)(1) Be 21 years of age or older;

14
15 (B)(2) Have no record of conviction for driving under the influence (DUI)
16 within the last 5 years;

17
18 (C)(3) Not have been on probation or parole for the last 10 years;

19
20 (D)(4) Have no record of a conviction for child molestation, child abuse, or
21 other crimes against a person;

22
23 (E)(5) Have proof of automobile insurance if transporting the child;

24
25 (F)(6) Have no civil, criminal, or juvenile restraining orders within the last 10 years;

26
27 (G)(7) Have no current or past court order in which the provider is the person
28 being supervised;

29
30 (H)(8) Be able to speak the language of the party being supervised and of the
31 child, or the provider must provide a neutral interpreter over the age of 18
32 who is able to do so;

33
34 (I) ~~Have no conflict of interest under (g); and~~

35
36 (J)(9) Agree to adhere to and enforce the court order regarding supervised
37 visitation;;

38
39 (10) Meet the training requirements stated in (f); and

40
41 (11) Sign a declaration or *Declaration of Supervised Visitation Provider* (form
42 FL-324) stating that all requirements to be a professional provider have been
43 met.

1
2 (3) A “therapeutic provider” is a licensed mental health professional paid for
3 providing supervised visitation services, including a psychiatrist, a
4 psychologist, a clinical social worker, a marriage and family counselor, or an
5 intern working under direct supervision of a qualified licensed mental health
6 professional. A therapeutic provider should meet the qualifications provided
7 in (c)(2). A judicial officer may order therapeutic supervision for cases
8 requiring a clinical setting.
9

10 (Subd (e) relettered and amended effective January 1, 2015; adopted as part of subd (c).)

11
12 **(d)(f) Training for providers**

13
14 (1) * * *

15
16 (2) In addition, professional ~~and therapeutic~~ providers ~~should~~ must receive 24
17 hours of training that ~~should~~ includes the following subjects:

18
19 (A) The role of a professional ~~and therapeutic~~ provider;

20
21 (B)–(H) * * *

22
23 (I) Confidentiality; ~~and~~

24
25 (J) Issues relating to substance abuse, child abuse, sexual abuse, and
26 domestic violence; and

27
28 (K) Basic knowledge of family and juvenile law.
29

30 (Subd (f) amended and relettered effective January 1, 2015; adopted as subd (d) effective
31 January 1, 2007.)
32

33 **(e)(g) Safety and security procedures**

34
35 All providers ~~should~~ must make every reasonable effort to assure the safety and
36 welfare of the child and adults during the visitation. ~~Supervised visitation centers~~
37 Professional providers should establish a written protocol, with the assistance of the
38 local law enforcement agency, that describes the emergency assistance and
39 responses that can be expected from the local law enforcement agency. In addition,
40 the professional ~~and therapeutic~~ provider should:

41
42 (1) * * *
43

1 (2) Conduct comprehensive intake and screening to ~~assess~~ understand the nature
2 and degree of risk for each case. The procedures for intake should include
3 separate interviews with the parties before the first visit. During the
4 interview, the provider should obtain identifying information and explain the
5 reasons for temporary suspension or termination of a visit under this
6 standard. If the child is of sufficient age and capacity, the provider should
7 include the child in part of the intake or orientation process. Any discussion
8 should be presented to the child in a manner appropriate to the child's
9 developmental stage;

10
11 (3) Obtain during the intake process:

12
13 (A)–(D) * * *

14
15 (E) An account of the child's health needs if the child has a chronic health
16 condition; and

17
18 (4) Establish written procedures that must be followed in the event a child is
19 abducted during supervised visitation; ~~and~~

20
21 ~~(5) Suspend or terminate supervised visitation if the provider determines that the~~
22 ~~risk factors present are placing in jeopardy the safety and welfare of the child~~
23 ~~or provider as enumerated in (j).~~

24
25 *(Subd (g) amended and relettered effective January 1, 2015; adopted as subd (d) effective*
26 *January 1, 1998; previously amended and relettered as subd (e) effective January 1, 2007.)*

27
28 **~~(f)~~(h) Ratio of children to provider**

29
30 The ratio of children to a professional provider ~~should~~ must be contingent on:

31
32 (1)–(3) * * *

33
34 (4) The number of people, as provided in the court order, visiting the child
35 during the visit;

36
37 (5)–(6) * * *

38
39 *(Subd (h) amended and relettered effective January 1, 2015; adopted as subd (e) effective*
40 *January 1, 1998; previously amended and relettered as subd (f) effective January 1, 2007.)*

41
42 **~~(g)~~(i) Conflict of interest**

1 All providers should maintain neutrality by refusing to discuss the merits of the
2 case or agree with or support one party over another. Any discussion between a
3 provider and the parties should be for the purposes of arranging visitation and
4 providing for the safety of the children. In order to avoid a conflict of interest, the
5 professional provider should not:

6
7 (1)–(4) * * *

8
9 *(Subd (i) amended and relettered effective January 1, 2015; adopted as subd (f) effective*
10 *January 1, 1998; previously amended and relettered as subd (g) effective January 1,*
11 *2007.)*

12
13 **(h)(j) Maintenance and disclosure of records for professional providers**

14
15 (1) Professional ~~and therapeutic~~ providers ~~should~~ must keep a record for each
16 case, including the following:

17
18 (A) A written record of each contact and visit, ~~including the date, time, and~~
19 ~~duration of the contact or visit;~~

20
21 (B) * * *

22
23 ~~(C) A summary of activities during the visit;~~

24
25 ~~(D) Actions taken by the provider, including any interruptions, terminations~~
26 ~~of a visit, and reasons for these actions;~~

27
28 ~~(E) An account of critical incidents, including physical or verbal~~
29 ~~altercations and threats;~~

30
31 ~~(F) Violations of protective or court visitation orders;~~

32
33 ~~(G)(C)~~ Any failure to comply with the terms and conditions of the
34 visitation; and

35
36 ~~(H)(D)~~ Any incidence of abuse as required by law.

37
38 (2) * * *

39
40 (3) If ordered by the court or requested by either party or the attorney for either
41 party or the attorney for the child, a report about the supervised visit ~~should~~
42 must be produced. These reports should include facts, observations, and
43 direct statements and not opinions or recommendations regarding future

1 visitation, ~~unless ordered by the court. A copy of any report should be sent to~~
2 ~~all parties, their attorneys, and the attorney for the child. The original report~~
3 ~~must be sent to the court if so ordered, or to the requesting party or attorney,~~
4 ~~and copies should be sent to all parties, their attorneys, and the attorney for~~
5 ~~the child.~~

6
7 (4) * * *

8
9 *(Subd (j) amended and relettered effective January 1, 2015; adopted as subd (g) effective*
10 *January 1, 1998; previously amended and relettered as subd (h) effective January 1,*
11 *2007.)*

12
13 **(k) Confidentiality**

14
15 Communications between parties and providers of supervised visitation are not
16 protected by any privilege of confidentiality. ~~The psychotherapist-patient privilege~~
17 ~~does not apply during therapeutic supervision. Professional and therapeutic~~
18 providers should, whenever possible, maintain confidentiality regarding the case
19 except when:

20
21 (1)–(5) * * *

22
23 *(Subd (k) amended and relettered effective January 1, 2015; adopted as subd (h) effective*
24 *January 1, 1998; previously amended and relettered as subd (i) effective January 1, 2007.)*

25
26 **(l) Delineation of terms and conditions**

27
28 The provider bears the sole responsibility for enforcement of all the terms and
29 conditions of any supervised visitation. Unless otherwise ordered by the court, the
30 provider should implement the following terms and conditions:

31
32 (1)–(10) * * *

33
34 (11) Allow no emotional, verbal, physical, or sexual abuse; ~~and~~

35
36 (12) Allow no contact between the custodial and noncustodial parents unless
37 ordered by the court; and

38
39 ~~(12)~~(13) Ensure that the parties follow any additional rules stated by the provider or
40 the court.

41
42 *(Subd (l) amended and relettered effective January 1, 2015; adopted as subd (i) effective*
43 *January 1, 1998; previously amended and relettered as subd (j) effective January 1, 2007.)*

1
2 ~~(k)~~**(m)** **Safety considerations for sexual abuse cases**

3
4 In cases where there are allegations of sexual abuse, in addition to the requirements
5 of ~~(j)~~(l), the provider should comply with the following terms and conditions,
6 unless otherwise ordered by the court:

7
8 (1)–(2) * * *

9
10 (3) Allow no physical contact with the child such as lap sitting, hair combing,
11 stroking, hand holding, ~~prolonged~~ hugging, wrestling, tickling, horseplaying,
12 changing diapers, or accompanying the child to the bathroom;

13
14 (4)–(5) * * *

15
16 *(Subd (m) amended and relettered effective January 1, 2015; adopted as subd (j) effective*
17 *January 1, 1998; previously amended and relettered as subd (k) effective January 1, 2007.)*

18
19 ~~(l)~~**(n)** **Legal responsibilities and obligations of a provider**

20
21 All nonprofessional providers of supervised visitation should, and all professional
22 providers must:

23
24 (1) * * *

25
26 (2) Report suspected child abuse to the appropriate agency, as provided by law,
27 and inform the parties of the provider’s obligation to make such reports; and

28
29 ~~(3) Implement the terms and conditions under (j) and~~

30
31 ~~(4)~~(3)Suspend or terminate visitation under ~~(n)~~(p).

32
33 *(Subd (n) amended and relettered effective January 1, 2015; adopted as subd (k) effective*
34 *January 1, 1998; previously amended and relettered as subd (l) effective January 1, 2007.)*

35
36 ~~(m)~~**(o)** **Additional legal responsibilities of professional ~~and therapeutic~~**
37 **providers**

38
39 In addition to the legal responsibilities and obligations required in ~~(l)~~(n),
40 professional ~~and therapeutic~~ providers ~~should~~ must:

1 (1) Prepare a written contract to be signed by the parties before commencement
2 of the supervised visitation. The contract should inform each party of the
3 terms and conditions of supervised visitation; and
4

5 (2) Review custody and visitation orders relevant to the supervised visitation;
6

7 ~~(3) Implement an intake and screening procedure under (e)(2); and~~
8

9 ~~(4) Comply with additional requirements under (o).~~
10

11 *(Subd (o) amended and relettered effective January 1, 2015; adopted as subd (1) effective*
12 *January 1, 1998; previously amended and relettered as subd (m) effective January 1,*
13 *2007.)*
14

15 ~~(n)~~**(p) Temporary suspension or termination of supervised visitation**
16

17 (1) All providers ~~should~~ must make every reasonable effort to provide a safe visit
18 for the child and the noncustodial party.
19

20 (2) * * *
21

22 (3) All interruptions or terminations of visits ~~should~~ must be recorded in the case
23 file.
24

25 (4) All providers ~~should~~ must advise both parties of the reasons for interruption
26 of a visit or termination.
27

28 *(Subd (p) amended and relettered effective January 1, 2015; adopted as subd (m) effective*
29 *January 1, 1998; previously amended and relettered as subd (n) effective January 1,*
30 *2007.)*
31

32 ~~(o)~~**(q) Additional requirements for professional and therapeutic providers**
33

34 Professional ~~and therapeutic~~ providers ~~should~~ must state the reasons for temporary
35 suspension or termination of supervised visitation in writing and provide the
36 written statement to both parties, their attorneys, the attorney for the child, and the
37 court.
38

39 *(Subd (q) amended and relettered effective January 1, 2015; adopted as subd (n) effective*
40 *January 1, 1998; previously amended and relettered as subd (o) effective January 1,*
41 *2007.)*
42

- 1 *Standard 5.20 amended effective January 1, 2015; adopted as sec. 26.2 effective January 1,*
- 2 *1998; previously amended and renumbered effective January 1, 2007.*