

AMENDMENTS TO THE CALIFORNIA RULES OF COURT

Adopted by the Judicial Council on May 19, 2017,
effective September 1, 2017

1 Rule 1.31. Mandatory forms 2

2 Rule 3.1546. Pretrial procedures for mandatory expedited jury trials 2

3 Rule 4.155. Guidelines for reimbursement of costs in change of venue cases—

4 criminal cases..... 3

5 Rule 5.94. Order shortening time; other filing requirements; request to continue

6 hearing ~~and extend temporary emergency (ex parte) orders~~..... 3

7 Rule 5.130. Request for Special Immigrant Juvenile findings 7

8 Rule 5.425. Limited scope representation; application of rules..... 8

9 Rule 10.3. Nonvoting members 12

10

1 **Rule 1.31. Mandatory forms**

2
3 **(a)–(d) * * ***

4
5 **(e) No alteration of forms**

6
7 Except as provided in rule 3.52(6), concerning court fee waiver orders, and rule
8 5.504, concerning court orders in juvenile court proceedings, ~~and rule 7.101.5,~~
9 ~~concerning court orders in proceedings under the Probate Code,~~ courts may not
10 require the use of an altered mandatory Judicial Council form in place of the
11 Judicial Council form. However, a judicial officer may modify a Judicial Council
12 form order as necessary or appropriate to adjudicate a particular case.

13
14 *(Subd (e) amended effective September 1, 2017; previously amended effective January 1,*
15 *2007, January 1, 2009, and July 1, 2009.)*

16
17 **(f)–(g) * * ***

18
19 *Rule 1.31 amended effective September 1, 2017; adopted effective January 1, 2007; previously*
20 *amended effective January 1, 2007, January 1, 2009, July 1, 2009, and January 1, 2015.*

21
22 **Rule 3.1546. Pretrial procedures for mandatory expedited jury trials**

23
24 **(a)–(b) * * ***

25
26 **(c) Opting out of mandatory expedited jury trial procedures**

27
28 **(1)–(2) * * ***

29
30 **(3)** Except on a showing of good cause, any objection to the request must be
31 served and filed within 15 days after the date of service of the request, on an
32 ~~Opposition~~ Objection to Request to Opt Out of Mandatory Expedited Jury
33 Trial Procedures (form EJT-004).

34
35 **(4) * * ***

36
37 *(Subd (c) amended effective September 1, 2017.)*

38
39 **(d) * * ***

40
41 *Rule 3.1545 amended effective September 1, 2017; adopted effective July 1, 2016.*

42

1 **Rule 4.155. Guidelines for reimbursement of costs in change of venue cases—**
2 **criminal cases**

3
4 **(a) General**

5
6 Consistent with Penal Code section 1037(e), the court in which an action originated
7 must reimburse the court receiving a case after an order for change of venue for any
8 ordinary expenditure and any extraordinary but reasonable and necessary
9 expenditure that would not have been incurred by the receiving court but for the
10 change of venue.

11
12 *(Subd (a) amended effective September 1, 2017; previously amended effective January 1,*
13 *2001, and January 1, 2006.)*

14
15 **(b)–(g) * * ***

16
17 *Rule 4.155 amended effective September 1, 2017; adopted as section 4.2 of the Standards of*
18 *Judicial Administration effective July 1, 1989; amended and renumbered as rule 4.162 effective*
19 *January 1, 2001; previously amended effective January 1, 1998, January 1, 2006, and January 1,*
20 *2017.*

21
22 **Rule 5.94. Order shortening time; other filing requirements; request to continue**
23 **hearing and ~~extend temporary emergency (ex parte) orders~~**

24
25 **(a)–(d) * * ***

26
27 **(e) Failure to timely serve request for order and temporary emergency (ex parte)**
28 **orders**

29
30 The *Request for Order* (form FL-300) or other moving papers such as an order to
31 show cause, along with any and temporary emergency (ex parte) orders (form FL-
32 305), will expire on the date and time of the scheduled hearing if the requesting
33 party fails to:

- 34
35 (1) Have the other party timely served before the hearing with the *Request for*
36 *Order* (form FL-300) or other moving papers, such as an order to show
37 cause; supporting documents; and any orders issued on temporary emergency
38 (ex parte) orders (form FL-305); or
39
40 (2) Obtain a court order to continue the hearing.

41
42 *(Subd (e) amended effective September 1, 2017; previously amended and relettered*
43 *effective July 1, 2016; adopted as subd (c).)*

1 (f) **Procedures to request continued hearing date and extension of temporary**
2 **emergency (ex parte) orders**
3

4 (1) ~~If a *Request for Order* (form FL-300) that includes temporary emergency~~
5 ~~orders is not timely served on the other party before the date of the hearing,~~
6 ~~and the party granted the temporary emergency (ex parte) orders wishes to~~
7 ~~proceed with the request, he or she must ask the court to continue the hearing~~
8 ~~date. On a showing of good cause, or on its own motion, the court may:~~
9

10 (A) ~~Continue the hearing and extend the expiration date of the temporary~~
11 ~~emergency orders until the end of the continued hearing or to another~~
12 ~~date ordered by the court.~~
13

14 (B) ~~Modify the temporary emergency (ex parte) orders.~~
15

16 (C) ~~Terminate the temporary emergency (ex parte) orders.~~
17

18 (2) ~~The party served with a *Request for Order* (form FL-300) that includes~~
19 ~~temporary emergency (ex parte) orders:~~
20

21 (A) ~~Is entitled to one continuance for a reasonable period of time to respond~~
22 ~~and, thereafter, to a continuance based on a showing of good cause.~~
23

24 (B) ~~Must file and serve a *Responsive Declaration to Request for Order*~~
25 ~~(form FL-320) as required by the court order.~~
26

27 (3) ~~The following procedures apply to either party's request to continue the~~
28 ~~hearing:~~
29

30 (A) ~~The party asking for the continuance must complete and submit an~~
31 ~~original *Request and Order to Continue Hearing and Extend*~~
32 ~~*Temporary Emergency (Ex Parte) Orders* (form FL-306) with two~~
33 ~~copies for the court to review, as follows:~~
34

35 (i) ~~The form should be submitted to the court no later than five court~~
36 ~~days before the hearing date originally set on the *Request for*~~
37 ~~*Order*.~~
38

39 (ii) ~~The party may present the form to the court at the hearing of the~~
40 ~~*Request for Order*.~~
41

1 (iii) ~~The party who makes an oral request to the court on the date of~~
2 ~~the hearing is also required to complete and submit form FL-306~~
3 ~~if the court grants the request.~~

4
5 (B) ~~After the court signs and files form FL-306, a filed copy must be served~~
6 ~~on the other party, unless the court orders otherwise. If the continuance~~
7 ~~is granted:~~

8
9 (i) ~~Before the other party is served with notice of the hearing and~~
10 ~~temporary emergency (ex parte) orders, then form FL-306 must~~
11 ~~be attached as the cover page and served along with the *Request*~~
12 ~~*for Order* (form FL-300), the original or modified temporary~~
13 ~~emergency (ex parte) orders, and supporting documents.~~

14
15 (ii) ~~To the responding party, and the party who asked for the~~
16 ~~temporary emergency order was absent when the continuance~~
17 ~~was granted, then form FL-306 must be attached as the cover~~
18 ~~page to any documents the court orders served on that party.~~

19
20 (iii) ~~Service must be in the manner required by rule 5.92 or as ordered~~
21 ~~by the court.~~

22
23 (C) ~~If the *Request and Order to Continue Hearing and Extend Temporary*~~
24 ~~*Emergency (Ex Parte) Orders* (form FL-306), *Request for Order* (FL-~~
25 ~~300), original or modified temporary emergency order, and supporting~~
26 ~~documents are not timely served on the other party, and the requesting~~
27 ~~party wishes to proceed with the hearing, he or she must repeat the~~
28 ~~procedures in this rule.~~

29
30 (1) If a *Request for Order* (form FL-300), order to show cause, or other moving
31 paper is not timely served on the other party before the date of the hearing,
32 and the party requesting the order wishes to proceed with the request, he or
33 she must ask the court to continue the hearing date.

34
35 (2) On a showing of good cause or on its own motion, the court may:

36
37 (A) Continue the hearing and set a new date; and

38
39 (B) Modify or terminate any temporary emergency (ex parte) orders
40 initially granted with the *Request for Order*, order to show cause, or
41 other moving paper.
42

- 1 (3) If the court grants a continuance and makes no change to the temporary
2 emergency (ex parte) orders, those orders are extended until the time of the
3 continued hearing or to another date specified by the court.
4
- 5 (4) The party served with a *Request for Order* (form FL-300), order to show
6 cause, or other moving paper that includes temporary emergency (ex parte)
7 orders:
8
- 9 (A) Is entitled to one continuance as a matter of course for a reasonable
10 period of time to respond. A second or subsequent request by the
11 responding party to continue the hearing must be supported by facts
12 showing good cause for the continuance;
13
- 14 (B) May ask the court to continue the hearing by using *Request to Continue*
15 *Hearing* (form FL-306); and
16
- 17 (C) Must file and serve a *Responsive Declaration to Request for Order*
18 (form FL-320) before the date of the new hearing, as required by law or
19 described in *Order on Request to Continue Hearing* (form FL-307).
20
- 21 (5) The following procedures apply to either party's request to continue the
22 hearing:
23
- 24 (A) The party asking for the continuance must complete and submit an
25 original *Request to Continue Hearing* (form FL-306) with two copies
26 for the court to review, as follows:
27
- 28 (i) The form should be submitted to the court no later than five court
29 days before the hearing date set on the *Request for Order*, order
30 to show cause, or other moving papers.
31
- 32 (ii) The party may present the form to the court on the date of the
33 hearing.
34
- 35 (iii) The party who, on the date of the hearing, makes an oral request
36 to the court to continue the hearing, is not required to complete
37 form FL-306, but must complete and submit an *Order on Request*
38 *to Continue Hearing* (form FL-307) if the court grants the
39 request.
40
- 41 (B) Along with form FL-306, the party asking for the continuance must
42 submit to the court an *Order on Request to Continue Hearing* (form

1 FL-307) with the caption and initial items completed as described on
2 the form.

3
4 (C) After the court signs and files form FL-307, a filed copy must be served
5 on the other party as follows, unless the court orders otherwise:

6
7 (i) If the continuance is granted, an *Order on Request to Continue*
8 *Hearing* (form FL-307) must be attached as the cover page and
9 served, along with the *Request for Order* (form FL-300) or other
10 moving papers such as an order to show cause and any temporary
11 emergency (ex parte) orders and supporting documents.

12
13 (ii) If the court grants the responding party's request for a
14 continuance, and the party who asked for the order was absent
15 when the continuance was granted, then an *Order on Request to*
16 *Continue Hearing* (form FL-307) must be attached as the cover
17 page to any documents the court orders served on that party.

18
19 (iii) Service must be in the manner required by rule 5.92 or as ordered
20 by the court.

21
22 (D) If the *Order on Request to Continue Hearing* (form FL-307), *Request*
23 *for Order* (FL-300) or order to show cause, original or modified
24 temporary emergency (ex parte) order, and supporting documents are
25 not timely served on the other party, and the requesting party wishes to
26 proceed with the hearing, he or she must repeat the procedures in this
27 rule unless the opposing party agrees to waive notice and proceed with
28 the hearing.

29
30 *(Subd (f) amended effective September 1, 2017; adopted effective July 1, 2016.)*

31
32 *Rule 5.94 amended effective September 1, 2017; previously amended effective July 1, 2016;*
33 *adopted effective January 1, 2013.*

34
35 **Rule 5.130. Request for Special Immigrant Juvenile findings**

36
37 (a)–(b) * * *

38
39 (c) **Notice of hearing**

40
41 Notice of a hearing on a request for SIJ findings must be served with a copy of the
42 request and all supporting papers in the appropriate manner specified in rule
43 5.92(a)(6)(A) ~~(C)~~ (f)(1), (2) or (3), as applicable, on the following persons:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

(1)–(3) * * *

(Subd (c) amended effective September 1, 2017.)

(d)–(g) * * *

Rule 5.130 amended effective September 1, 2017; adopted effective July 1, 2016.

Rule 5.425. Limited scope representation; application of rules

(a)–(c) * * *

(d) Noticed limited scope representation

- (1) A party and an attorney must provide the required notice of their agreement for limited scope representation by serving other parties and filing with the court a *Notice of Limited Scope Representation* (form FL-950).
- (2) After the notice in (1) is received and until a ~~substitution of attorney~~ Substitution of Attorney—Civil (form MC-050), or a Notice of Completion of Limited Scope Representation (form FL-955) with the “Final” box checked, or an order to be relieved as attorney is filed and served:
 - (A) The attorney must be served only with documents that relate ~~only~~ to the issues identified in the *Notice of Limited Scope Representation* (form FL-950); and
 - (B) ~~The party must be served directly with~~ Documents that relate to all other issues outside the scope of the attorney’s representation must be served directly on the party or the attorney representing the party on those issues.
- (3) Electronic service of notices and documents described in this rule is permitted if the client previously agreed in writing to accept service of documents electronically from the attorney.
- (4) Before being relieved as counsel, the limited scope attorney must file and serve the order after hearing or judgment following the hearing or trial at which he or she provided representation unless:
 - (A) Otherwise directed by the court; or

1 (B) The party agreed in the *Notice of Limited Scope Representation* (form
2 FL-950) that completion of the order after hearing is not within the
3 scope of the attorney’s representation.
4

5 (*Subd (d) amended effective September 1, 2017.*)

6
7 (e) **Procedures to be relieved as counsel on completion of limited scope**
8 **representation if client has not signed a substitution of attorney**
9

10 An attorney who has completed the tasks specified in the *Notice of Limited Scope*
11 *Representation* (form FL-950) may use the following procedures to request that he
12 or she be relieved as attorney ~~in cases in which the attorney has appeared before the~~
13 ~~court as an attorney of record and~~ if the client has not signed a *Substitution of*
14 *Attorney—Civil* (form MC-050):
15

16 (1) *Application Notice of completion of limited scope representation*
17

18 ~~An application to be relieved as attorney on completion of limited scope~~
19 ~~representation under Code of Civil Procedure section 284(2) must be directed~~
20 ~~to the client and made on the *Application to Be Relieved as Counsel Upon*~~
21 ~~*Completion of Limited Scope Representation* (form FL-955). The limited~~
22 scope attorney must serve the client with the following documents:
23

24 (A) *A Notice of Completion of Limited Scope Representation* (form FL-
25 955) with the “Proposed” box marked and the deadline for the client to
26 file the objection completed by the attorney;
27

28 (B) *Information for Client About Notice of Completion of Limited Scope*
29 *Representation* (form FL-955-INFO); and
30

31 (C) *A blank Objection to Proposed Notice of Completion of Limited Scope*
32 *Representation* (form FL-956).
33

34 (2) ~~*Filing and service of application*~~
35

36 ~~The application to be relieved as attorney must be filed with the court and~~
37 ~~served on the client and on all other parties or attorneys for parties in the~~
38 ~~case. The client must also be served with a blank *Objection to Application to*~~
39 ~~*Be Relieved as Counsel on Completion of Limited Scope Representation*~~
40 ~~(form FL-956).~~
41

42 (3) ~~(2)~~ *No objection*
43

~~If no objection is served and filed with the court within 15 days from the date~~

1 that the *Application to Be Relieved as Counsel on Completion of Limited*
2 *Scope Representation* (form FL-955) is served on the client, the attorney
3 making the application must file an updated form FL-955 indicating the lack
4 of objection, along with a proposed *Order on Application to Be Relieved as*
5 *Counsel on Completion of Limited Scope Representation* (form FL-958). The
6 clerk must then forward the order for judicial signature. If the client does not
7 file and serve an *Objection to Proposed Notice of Completion of Limited*
8 *Scope Representation* (form FL-956) within 10 calendar days from the date
9 that the *Notice of Completion of Limited Scope Representation* (form FL-955)
10 was served, the limited scope attorney:

- 11
- 12 (A) Must serve the client and the other parties or, if represented, their
13 attorneys, with a *Notice of Completion of Limited Scope Representation*
14 (form FL-955) with the “Final” box marked;
- 15
- 16 (B) Must file the final *Notice of Completion of Limited Scope*
17 *Representation* (form FL-955) with the court, and attach the proofs of
18 service of both the “Proposed” and “Final” notices of completion;
- 19
- 20 (C) May not be charged a fee to file the final notice of completion, even if
21 the attorney has not previously made an appearance in the case; and
- 22
- 23 (D) Is deemed to be relieved as attorney on the date that the final notice of
24 completion is served on the client.

25

26 ~~(4)~~(3) *Objection*

27 ~~If an objection to the application is served and filed within 15 days, the clerk~~
28 ~~must set a hearing date on the *Objection to Application to Be Relieved as*~~
29 ~~*Counsel on Completion of Limited Scope Representation* (form FL-956). The~~
30 ~~hearing must be scheduled no later than 25 days from the date the objection is~~
31 ~~filed. The clerk must send the notice of the hearing to the parties and the~~
32 ~~attorney. If the client files the *Objection to Proposed Notice of Completion of*~~
33 ~~*Limited Scope Representation* (form FL-956) within 10 calendar days from~~
34 ~~the date that the proposed notice of completion was served, the following~~
35 ~~procedures apply:~~

- 36
- 37 (A) The clerk must set a hearing date on the *Objection to Proposed Notice*
38 *of Completion of Limited Scope Representation* (form FL-956) to be
39 conducted no later than 25 court days from the date the objection is
40 filed.
- 41
- 42 (B) The court may charge a motion fee to file the objection and schedule
43 the hearing.

- 1
2 (C) The objection—including the date, time, and location of the hearing—
3 must be served on the limited scope attorney and all other parties in the
4 case (or on their attorneys, if they are represented). Unless the court
5 orders a different time for service, the objection must be served by the
6 deadline specified in *Information for Client About Notice of*
7 *Completion of Limited Scope Representation* (form FL-955-INFO).
8
9 (D) If the attorney wishes, he or she may file and serve a *Response to*
10 *Objection to Proposed Notice of Completion of Limited Scope*
11 *Representation* (form FL-957). Unless otherwise directed by the court,
12 any response should be filed with the court and served on the client and
13 other parties, or their attorneys, at least nine court days before the
14 hearing.
15
16 (E) Unless otherwise directed by the court, the attorney must prepare the
17 *Order on Completion of Limited Scope Representation* (form FL-958)
18 and obtain the judge’s signature.
19
20 (F) The attorney is responsible for filing and serving the order on the client
21 and other parties after the hearing, unless the court directs otherwise.
22
23 (G) If the court finds that the attorney has completed the agreed-upon work,
24 the representation is concluded upon service of the signed *Order on*
25 *Completion of Limited Scope Representation* (form FL-958).
26

27 (5) ~~Service of the order~~

28
29 ~~If no objection is served and filed and the proposed order is signed, the~~
30 ~~attorney who filed the *Application to Be Relieved as Counsel on Completion*~~
31 ~~*of Limited Scope Representation* (form FL-955) must serve a copy of the~~
32 ~~signed order on the client and on all parties or the attorneys for all parties~~
33 ~~who have appeared in the case. The court may delay the effective date of the~~
34 ~~order relieving the attorney until proof of service of a copy of the signed~~
35 ~~order on the client has been filed with the court.~~
36

37 (Subd (e) amended and renumbered effective September 1, 2017.)

38
39 (f) * * *

40
41 *Rule 5.425 amended effective September 1, 2017; adopted effective January 1, 2013.*
42

1 **Rule 10.3. Nonvoting members**

2
3 **(a) * * ***

4
5 **(b) Voting**

6
7 A nonvoting council member may make or second motions at a council meeting but
8 may not vote. A nonvoting member may vote on an internal committee matter as
9 specified in rule 10.10~~(d)~~(e).

10
11 *(Subd (b) amended effective September 1, 2017; previously amended effective January 1,*
12 *2007.)*

13
14 *Rule 10.3 amended effective September 1, 2017; previously amended and renumbered effective*
15 *January 1, 2007; adopted as rule 6.3 effective January 1, 1999.*

16