

2009 New Laws Workshop
Tier 1 Bills
Juvenile

AB 131 (Evans)
Chapter 413, Statutes of 2009

Summary Description of New Law

Authorizes the Judicial Council to implement a cost recovery program to collect reimbursement from parents for the cost of dependency counsel, and directs that the recovered funds be used to reduce caseloads for dependency attorneys.

	Existing Law	New Law	Impact on Court
1	<p>Liability for cost of court appointed counsel in juvenile cases.</p> <p>Provides that the father, mother, guardian or spouse of a minor is liable for the cost to the county of legal services provided by the public defender or any court appointed counsel in a juvenile case. Additionally provides that those parties are also liable for any cost to the county for attorneys appointed to represent them (<i>e.g.</i>, parents' counsel in a dependency case). Welfare & Institutions Code § 903.1</p>	<p>Liability for cost of court appointed counsel in juvenile cases.</p> <p>Provides that liability for the costs of court appointed counsel may be to the county <i>or</i> the court, depending on which entity incurred the expense (<i>i.e.</i>, for dependency counsel liability would be to the court). Welfare & Institutions Code § 903.1</p>	<p>The court will need to determine whether costs were incurred by the court or by the county. This change is expected to have minimal impact because these costs are almost always incurred by the courts.</p>
2	<p>Financial evaluation of parties liable for costs of counsel and court order to pay.</p> <p>Allows a county to designate a financial evaluation officer to</p>	<p>Financial evaluation of parties liable for costs of counsel and court order to pay.</p> <p>Allows the court, with the consent of the county, to designate a financial</p>	<p>The courts need to make court financial officer and judicial officers aware of repayment criteria and guidelines.</p> <p>The courts need to establish cash-</p>

2009 New Laws Workshop

Tier 1 Bills

Juvenile

Existing Law	New Law	Impact on Court
<p>evaluate the liability and ability to pay of parties subject to section 903.1. Requires the court to order parties to appear before the financial evaluation officer, and for the officer to petition the court for an order to pay any costs that the officer determines that the party is able to pay. Provides that the order may be made without a hearing if the liable party and the financial evaluation officer agree, or if there is no agreement, the court shall hold a hearing on the matter.</p> <p>Welfare & Institutions Code § 903.45</p>	<p>evaluation officer to perform the same duties as the county financial evaluation officer for costs of dependency counsel incurred by the court. Provides that the financial evaluation officer shall not petition the court for a repayment order if the parent has been reunified with the child and repayment would harm the ability of the parent to support the child. Prohibits the court from ordering repayment if the parent is receiving reunification services and the repayment order would limit the ability of the parent to comply with the reunification plan or compromise the ability of the parent to meet the child's future financial needs. Prohibits the court from ordering repayment if the court finds that the order would be unjust under the circumstances of the case.</p> <p>Welfare & Institutions Code §§ 903.45, 903.47</p>	<p>handling procedures if repayment is collected by the court financial officer. Alternatively, the courts need to establish cash-handling procedures if payment will be accepted at clerk's office.</p> <p>This change could result in a possible increase in financial responsibility hearings if parent disagrees with evaluation officer and court must determine impact on parent's ability to reunify with child.</p>

2009 New Laws Workshop

Tier 1 Bills

Juvenile

Existing Law	New Law	Impact on Court
<p data-bbox="205 399 789 509">3 Statewide cost recovery program for court appointed counsel in dependency cases.</p> <p data-bbox="277 529 495 561">No existing law.</p>	<p data-bbox="823 399 1335 509">Statewide cost recovery program for court appointed counsel in dependency cases.</p> <p data-bbox="823 529 1335 1354">Requires the Judicial Council to establish a statewide program to collect reimbursement from parents liable for the costs of court appointed counsel in dependency matters. Requires the council as part of that program to adopt a statewide standard for ability to pay and adopt policies allowing a court to recover the costs of collection for delinquent payment. Provides that the money collected from the reimbursement shall be deposited into the Trial Court Trust Fund, and shall be utilized to reduce caseloads for dependency attorneys, with priority given to courts with the highest caseloads that also demonstrate the ability to improve outcomes for children as a result of lower caseloads.</p> <p data-bbox="823 1367 1230 1435">Welfare and Institutions Code § 903.47</p>	<p data-bbox="1369 399 1818 545">The courts need to alert financial officers and judicial officers of standards developed by Judicial Council.</p> <p data-bbox="1369 571 1852 756">The courts need to alert finance department regarding proper distribution of collections into Trial Court Trust Fund if court assumes responsibility for collection of fees.</p>

2009 New Laws Workshop
Tier 2 Bills
Family

AB 459 (Lowenthal)
Chapter 110, Statutes of 2009

Summary Description of New Law

Allows a party to a dissolution of marriage who has complied with financial disclosure requirements to waive the other party's financial disclosure requirements upon a showing of good cause. Provides that a judgment entered subject to that waiver can only be set-aside by the compliant party unless the non-compliant party shows actual fraud or perjury by the compliant party.

Existing Law	New Law	Impact on Court
<p>1 Financial disclosure requirements and remedies for failure to comply.</p> <p>Requires the parties to a marital dissolution proceeding to serve upon the other party a preliminary and final disclosure of financial assets and obligations and a declaration of current income and expenses. Family Code §§ 2103-2105</p> <p>Prohibits the court from entering judgment on the parties property rights without each party or their attorney complying with the disclosure requirements unless there is a mutual waiver or a default judgment with a waiver by the non-defaulting party. Family Code § 2106</p>	<p>Financial disclosure requirements and remedies for failure to comply.</p> <p>Provides an additional remedy to a party to a dissolution who has complied with financial disclosure requirements to obtain relief when the other party has not complied by authorizing the compliant party to file a motion setting forth good cause for that party to voluntarily waive the preliminary and/or final disclosure requirements of the non-compliant party. Family Code § 2107(b)(3)</p>	<p>Expedites the dissolution process by providing third alternative for non-compliance of a responding party.</p> <p>The court needs to do the following:</p> <ul style="list-style-type: none"> • Make judicial officers and court staff who process dissolutions aware of this change; and • Revise dissolution checklists, if used.

2009 New Laws Workshop

Tier 2 Bills

Family

Existing Law	New Law	Impact on Court
<p>Provides remedies for a party who has complied with disclosure requirements to obtain disclosure from a non-complying party including a motion to compel a response and monetary sanctions. Family Code § 2107</p>		
<p>2 Set aside for incomplete disclosure. Requires the court to set aside a judgment entered when one or both parties failed to comply with financial disclosure requirements and provides that such failure to comply is not harmless error. Family Code § 2107(d)</p>	<p>Set aside for incomplete disclosure. Limits the court's authority to set aside a judgment in a case in which the compliant party has sought the waiver of the other party's disclosure requirement to (1) a motion to set aside made by the compliant party; and (2) a motion by the non-compliant party that is based upon actual fraud that kept the defrauded party from participating in the proceeding or perjury in the other party's disclosure or waiver motion. Family Code § 2107(d)</p>	<p>Courts need to make judicial officers and court staff aware of change.</p>

2009 New Laws Workshop

Tier 2 Bills

Juvenile

AB 706 (Committee on Human Services) Chapter 120, Statutes of 2009

Summary Description of New Law

Creates one standard definition for entry into foster care that applies across the Welfare and Institutions Code. Clarifies the timeframe for reunification services. Urgency legislation, took effect on August 5, 2009, upon signing by the Governor.

	Existing Law	New Law	Impact on Court
1	<p>Date of entry into foster care.</p> <p>Provides that a child is deemed to have entered foster care on either the date of the jurisdictional hearing to determine that the child is a dependent child or 60 days from the date the child is removed from the physical custody of his or her parent or guardian, whichever is earlier.</p> <p>Welfare & Institutions Code § 361.5</p>	<p>Date of entry into foster care.</p> <p>Clarifies that the definition of date of entry into foster care set forth in the existing law section applies for all purposes under the Welfare & Institutions Code.</p> <p>Welfare & Institutions Code § 361.49</p>	<p>The court needs to make judicial officers, social workers and court staff aware of this change where applicable.</p> <p>This measure is clean-up legislation to AB 2341.</p>
2	<p>Minimum timeframe for reunification services—children over three.</p> <p>Requires, for a child three years of age or older, that reunification services be provided to the parent or guardian during the period of time beginning with the dispositional</p>	<p>Minimum timeframe for reunification services—children over three.</p> <p>Requires, for a child three years of age or older, that reunification services be provided to the parent or guardian during the period of time beginning with the dispositional</p>	<p>The court needs to make judicial officers, social workers and court staff aware of this change to ensure review hearings are properly set within timeframe.</p>

2009 New Laws Workshop

Tier 2 Bills

Juvenile

	Existing Law	New Law	Impact on Court
	hearing, and ending with the permanency hearing pursuant to Welfare and Institutions Code § 366.21(f). Welfare & Institutions Code § 361.5(a)(1)(A)	hearing, and ending on the date 12 months after the date the child entered foster care. Welfare & Institutions Code § 361.5(a)(1)(A)	
3	<p>Minimum timeframe for reunification services—children under three.</p> <p>Requires, for a child less than three years of age, that reunification services be provided to the parent or guardian during the period of time beginning with the dispositional hearing, and ending with the six month review hearing pursuant to Welfare and Institutions Code § 366.21(e). Welfare & Institutions Code § 361.5(a)(1)(B)</p>	<p>Minimum timeframe for reunification services—children under three.</p> <p>Requires, for a child less than three years of age, that reunification services be provided to the parent or guardian during the period of time beginning with the dispositional hearing, and ending with the six month review hearing pursuant to Welfare and Institutions Code § 366.21(e), but not longer than 12 months from the date the child entered foster care. Welfare & Institutions Code § 361.5(a)(1)(B)</p>	The court needs to make judicial officers, social workers and court staff aware of this change to ensure review hearings are properly set within timeframe.
4	<p>Motion to terminate reunification services.</p> <p>Provides that a motion to terminate reunification services before the</p>	<p>Motion to terminate reunification services.</p> <p>Provides that a motion to terminate reunification services before the</p>	The court needs to make judicial officers, social workers and court staff aware of this change ensuring parents are provided reunifications services for maximum time allowed

2009 New Laws Workshop

Tier 2 Bills

Juvenile

Existing Law	New Law	Impact on Court
minimum time periods described above shall be made pursuant to the requirements of Welfare and Institutions Code § 388(c). Welfare & Institutions Code § 361.5	minimum time periods described above shall be made pursuant to the requirements of Welfare and Institutions Code § 388(c), but also provides that no motion to terminate reunification services is necessary at the six month review hearing if the court finds any of the following by clear and convincing evidence: (1) that the child was found a dependent due to abandonment and the parental whereabouts are still unknown; (2) that the parent has failed to contact and visit the child; or (3) that the parent has been convicted of a felony proving parental unfitness. Welfare & Institutions Code § 361.5	except in specified circumstances or upon the filing of a petition under Welfare and Institutions Code section 388(c).

**2009 New Laws Workshop
Tier 2 Bills
Juvenile**

**AB 938 (Committee on Judiciary)
Chapter 261, Statutes of 2009**

Summary Description of New Law

Provides relatives of children in foster care with information on how to assist these children. Requires social workers and probation officers to immediately investigate the identity and location of all adult grandparents and other relatives of a child after the child is detained, and notify the relatives that the child has been removed from his or her parents, and the means by which the relative might participate in the care of the child.

	Existing Law	New Law	Impact on Court
1	<p>Duties of social worker upon removal of a child from custody of parent or guardian.</p> <p>Requires a social worker who takes temporary custody of a child who has been removed from his or her parents due to allegations of abuse or neglect to investigate the circumstances of the child, and assess any able and willing relative of the child who requests that the child be placed with him or her. Welfare & Institutions Code § 309</p>	<p>Duties of social worker upon removal of a child from custody of parent or guardian.</p> <p>Requires the social worker, within 30 days of removal, to use due diligence to investigate the location of all grandparents, adult siblings, and other adult relatives of the child, and to provide those relatives with specified information, unless the relative’s history of domestic violence makes notification inappropriate. Requires the notice to be in writing, and whenever appropriate, also by telephone. Requires the written notice to be developed by the Department of</p>	<p>The court should inquire at the initial petition hearing about the efforts made with regard to the investigation and location of relatives.</p>

2009 New Laws Workshop

Tier 2 Bills

Juvenile

Existing Law	New Law	Impact on Court
	<p>Social Services in consultation with various stakeholders. Requires the notice to alert the relatives that the child has been removed and of the various options for the relative to receive assistance in providing care for the child.</p> <p>Welfare & Institutions Code § 309</p>	
<p>2 Duties of probation officer upon removal of a child from custody of parent or guardian.</p> <p>Requires a probation officer who has taken temporary custody of a child who is alleged to be a delinquent child to investigate the circumstances of the child, and, if the probation officer has reason to believe that the child is at risk of entry into foster care, to make reasonable efforts to prevent or eliminate the need for removal.</p> <p>Welfare & Institutions Code § 628</p>	<p>Duties of probation officer upon removal of a child from custody of parent or guardian.</p> <p>Requires the probation officer, within 30 days of detention of a minor, to follow the relative investigation and notification procedures described above for minors detained by probation who are at risk of entering into a foster care placement.</p> <p>Further provides that if the probation officer does not conduct this investigation and notification but the court orders the child placed in foster care, then the probation officer shall comply with these requirements within 30 days of the</p>	<p>No impact on the court.</p>

2009 New Laws Workshop

Tier 2 Bills

Juvenile

Existing Law	New Law	Impact on Court
	placement order. Welfare & Institutions Code § 628	
<p>3 Information forms.</p> <p>Requires the social worker to provide a Judicial Council JV-290 Caregiver Information form to the child's caregiver in advance of any review hearing, along with information on how to file the form with the court.</p> <p>Welfare & Institutions Code § 366.21(c)</p>	<p>Information forms.</p> <p>Requires the Judicial Council, to develop a form by January 1, 2011, for relatives of a child who has been removed to provide information to the court regarding the child's needs. Requires that form to be provided to relatives at the same time they receive the notification and information described above. Requires the form to allow the relative to request permission of the court to address the court. Does not require probation officers to develop the relative information form for a child who is detained or provide it to those relatives.</p> <p>Welfare & Institutions Code § 309</p>	<p>The court needs to develop and implement procedures to</p> <ul style="list-style-type: none">• Review the newly created "relative information form;"• Act on relatives' requests for permission to address the court;• Schedule the hearing(s) (when granted);• Notice the appropriate parties. <p>Could result in a possible increase in the number of hearings and/or the length of existing hearings to allow permitted relatives to address the court regarding the child's needs.</p> <p>The court needs to make judicial officers and court staff aware of the required review and determination to grant or deny the request of relatives to address the court.</p>

2009 New Laws Workshop
Tier 2 Bills
Family

SB 40 (Correa)
Chapter 552, Statutes of 2009

Summary Description of New Law

Requires an abstract of judgment for spousal, child, or family support to contain only the last four digits of the social security number of the obligor. Prohibits a county recorder from accepting a document for recordation if it has more than the last four digits of the social security number beginning January 1, 2010.

	Existing Law	New Law	Impact on Court
1	<p>Abstract of judgment in a support matter.</p> <p>Requires that an abstract of judgment ordering a party to pay child, family, or spousal support include the social security number of the obligor.</p> <p>Family Code § 4506(a)</p>	<p>Abstract of judgment in a support matter.</p> <p>Requires that an abstract of judgment ordering a party to pay child, family, or spousal support to include only the last four digits of the social security number of the obligor.</p> <p>Family Code § 4506(a)</p>	<p>The court will need to use the revised form (adopted by the Judicial Council) to be consistent with the 4-digit limitation imposed by this measure. The form revision may not occur until July 1, 2010, but the statutory requirement applies to documents created beginning January 1, 2010. In the interim, courts will need to alert Family Law Facilitators and other court staff regarding the change so that they can make the parties aware of the new requirement.</p> <p>Per rule 1.20 of the California Rules of Court, the responsibility for excluding or redacting identifiers rests solely with the parties and attorneys. Court clerks will not review each pleading or other paper</p>

**2009 New Laws Workshop
Tier 2 Bills
Family**

Existing Law	New Law	Impact on Court
<p>2 Documents eligible to be recorded. Prohibits entities from presenting documents for recordation that include more than the last four digits of a social security number unless otherwise authorized to do so by law. Civil Code § 1789.89</p>	<p>Documents eligible to be recorded. Makes a document containing more than the last four digits of a social security number ineligible for recordation. Allows a recorder to comply with this requirement by truncating the social security numbers. Applies to documents created on or after January 1, 2010. Civil Code § 1789.89</p>	<p>No impact on court. for compliance.</p>

2009 New Laws Workshop
Tier 2 Bills
Probate

SB 556 (Committee on Judiciary)
Chapter 596, Statutes of 2009

Summary Description of New Law

Makes several non-controversial changes to improve court operations. Clarifies the law governing post-judgment fees in small claims court. Clarifies that a court is authorized to submit unpaid bail amounts to the Franchise Tax Board's Court-Ordered Debt program (see also description of SB 556 under "Administration" section). Makes a conforming change regarding the ability of courts to recover costs for court-ordered investigations.

Existing Law	New Law	Impact on Court
<p>1 Court investigations regarding transactions involving an allegedly incompetent spouse.</p> <p>Requires a conservator to appear at a hearing and represent a spouse alleged to lack legal capacity for a proposed transaction involving community property. Authorizes the court, in its discretion, to appoint an investigator to review the proposed transaction and report to the court regarding its advisability.</p> <p>Probate Code § 3140</p>	<p>Court investigations regarding transactions involving an allegedly incompetent spouse.</p> <p>Limits the authority of the court to appoint an investigator under this provision to those cases in which the appointment is necessary.</p> <p>Authorizes the court to order the cost of the review and report by a court investigator to be paid out of the proceeds of the transaction or otherwise as the court may direct, if the court determines that its order would not cause a hardship.</p> <p>Probate Code § 3140(b), (f)</p>	<p>The court needs to alert judicial officers of need to make a finding that appointment of a court investigator is necessary when ordering a review of a proposed transaction involving community property.</p> <p>The court needs to alert judicial officers of need for finding that payment will not impose a hardship when ordering payment for court investigator's review and report to be paid from the proceeds of proposed transaction.</p> <p>The court should make sure that court investigators and court staff are aware of new requirement for appointment and payment.</p>

2009 New Laws Workshop
Tier 3 Bills
Juvenile

New Law

Why New Law is Significant to Trial Courts

AB 1053 (Solorio)

Chapter 268, Statutes of 2009

Repeals the current Interstate Compact for Juveniles, and replaces it with the new compact until January 1, 2012. Requires that wards confined to the Department of Juvenile Facilities be paroled at least 90 days before the termination of jurisdiction over the ward.

This change could advance hearings under Welfare and Institutions Code sections 731.1 and 779 by 90-120 days but should not result in an increase in the volume of hearings.

AB 1163 (Tran)

Chapter 8, Statutes of 2009

Clarifies that the attorney-client privilege is held by a deceased client's personal representative appointed for subsequent estate administration after the original personal representative has been discharged. Provides that no attorney-client privilege exists for communications relevant to issues between parties who all claim through a deceased client in a non-probate transfer.

This change could affect allowable evidence in litigated matters.
