

SB 233 (Umberg) COVID Court Efficiencies

SUMMARY:

SB 233 includes several efficiency measures aimed at achieving uniformity and greater efficiency in civil courts across California.

THE PROBLEM:

California currently lacks a statewide, minimum standard for justice that ensures uniform access to redress through the court system regardless of where you live.

Minor's compromise petitions

When an injured minor is entitled to a financial settlement but is unable to access it until they become an adult, a parent or legal guardian can access those funds through a minor's compromise petition.

Oftentimes these motions are uncontested, agreed upon by both the plaintiff's and defendant's counsel. In these cases, a judge simply needs to sign a form for funds to be released.

However, due to the pandemic and a lack of basic standards, uncontested minor's compromise petitions are not being heard and approved by the courts in a timely fashion, preventing injured children from gaining access to the funds they so desperately need.

EXAMPLES:

In San Francisco a young girl, Lilly, was internally decapitated at birth due to the negligence of her medical care providers.

The court did not approve her *uncontested* motion for a minor's compromise motion until **11 months later**, leaving Lilly and her family without the settlement funds to which they were entitled. These funds would have provided necessities for Lilly's care, including a vehicle that could transport Lilly safely, and a living space that would allow Lilly to easily move from room to room.

In Los Angeles, the case of a physically abused child with a cognitive disability settled in March, 2020. His case was quickly assigned to two different departments that were designated to hear these motions, but his hearing date was delayed three times. His uncontested petition was ultimately approved **nine months later**.

SOLUTION:

SB 233 requires courts to schedule a hearing on a petition for compromise of a minor's claim within 30 days from the date of filing. Further, if the motion is not contested, the court will be required to issue a decision on the petition at the conclusion of the hearing.

CO-SPONSOR

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