

EMERGENCY LOCAL RULES: PROBATE
(Amended)

The Court adopts the following as Emergency Local Rules (“Rules”) intended to address the impact of the COVID-19 pandemic, under the authority granted the Court by the March 23, 2020, and March 30, 2020, Orders of the Chief Justice of the California Supreme Court, as Chair of the Judicial Council (“Orders”) and by the Emergency Rules in Response to the COVID-19 Pandemic issued by the Judicial Council on April 6, 2020 (“Judicial Council Emergency Rules”) and as amended thereafter. These Rules are effective April 30, 2020, subject to the limitations imposed by the Orders. These Rules supersede all prior versions and supplements, and they shall remain in effect until either rescinded by this Court or by withdrawal or change to the Orders or to the Judicial Council Emergency Rules.

1. **Application.** These rules shall apply only to Probate cases.

2. **Filing of Papers.**

a. *Limited Acceptance of Filings.*

i. Effective Monday, April 6, 2020, the Court will permit limited motion filings and unlimited new case filings via a drop box, from 9:00 a.m. to 3:00 p.m. excluding weekends and Court holidays. The Probate drop box will be located at the Main Street entrance to the Wakefield Taylor Building in Martinez. The drop box will accept both *ex parte* matters and general probate filings.

ii. Checks for filing fees and certified copies of orders shall accompany the documents when filed, along with a self-addressed, stamped envelope.

iii. *Ex parte* filings shall include a cover sheet by counsel outlining the exigent and/or emergent nature of the filing and all parties entitled to notice.

iv. All matters filed through this process must include a telephone number and email address for each party, if available.

- b. *Type of Filings Accepted.* Documents that may be filed are limited to the following:
- i. Limited *ex parte* petitions that meet both emergent requirements **and** include written consents and waivers of notice by all parties for the following:
 - a. Appointment of counsel for Limited Conservatorship;
 - b. Appointment of Temporary Conservator or Temporary Guardian with written consent of all relatives within the 2nd degree (Temporary Conservatorship); Minor over age 12 and Parent's Consent (Temporary Guardianship) and subject to court discretion;
 - c. Extension of Temporary Conservatorship, Guardianship or Special Letters of Administration;
 - d. Order for MD/Psych to complete Capacity Declaration;
 - e. Request MND Medical Powers from counsel who have been previously appointed by the court;
 - f. Appointment of Special Administrator;
 - g. Appointment of expert pursuant to Evidence Code Section 730;
 - h. Allowance of a conservator to list and sell real property;
 - i. Increase or decrease of bonds;
 - j. Stipulations and Orders on Settlement;
 - k. Probate preliminary (not final) distributions;
 - l. Appointment of Guardian ad Litem.

- ii. General Petitions. General Petitions may be filed and will be set for hearing in 60 to 90 days, allowing for notice and publication. Notices are advised to include language that interested persons should check the online tentative ruling for the respective probate department to see examiner notes and if the hearing is continued.
- c. *Filings in Non-Urgent Probate Cases*. While a drop box for Probate cases is available, non-urgent matters will not be immediately processed. The Court deems this to substantially interfere with parties' ability to file papers, and so the period through May 27, 2020, is considered a Court holiday for purposes of such filings.

3. **Hearings.**

- a. *Trial and Hearing Dates Prior to May 28, 2020*. Unless otherwise ordered by the Court, all trial and hearing dates on any Probate case set to take place from March 16, 2020, through May 28, 2020, will be continued by the Court pursuant to section c. below. Although hearings and trials may continue to display as calendared in electronic online case access, no hearings or trials will be conducted during this period.
- b. *Trial Deadlines for Vacated Trials*. For those cases with trial dates vacated under Rule 3b, all deadlines that run from the initial trial date – including the discovery cutoff and expert disclosure deadline – shall run from the reset trial date.
- c. *Rescheduling of Hearings/Parties to Provide Notice*. Probate hearing dates that are vacated pursuant to these Rules and all hearing dates that have been previously vacated due to the Court closure that began on March 16, 2020, will be reset by the Court. Notice of the new hearing date will not be sent out by the Court. Instead, all new hearing dates will be available through the Open Access web portal on the Court's website. Once these new dates are

set, Petitioners are ordered to serve written or electronic notice to all other parties to an action of the new date for hearing and file proof of service thereto.

- d. *Filing Deadlines for Rescheduled Hearings.* For hearings reset by these Rules, the statutory deadlines for papers not yet filed shall be based on the new hearing date.
- e. *Tentative Rulings.* The Court's existing tentative ruling procedure will be suspended until further notice.
- f. All hearings conducted pursuant to these Emergency Rules shall be heard only by Zoom videoconference or CourtCall. After hearing from all parties, the Court will decide whether a hearing is necessary and, if so, set the matter for a hearing by Zoom videoconference or CourtCall on a specified date and time. In its discretion, the Court may set any matter for hearing with email or phone notice to petitioner who shall be responsible for notifying the remaining parties.