

EMERGENCY LOCAL RULES: PROBATE

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, Order of the Chief Justice of the California Supreme Court, as Chair of the Judicial Council (“Order”). These Rules are effective April 6, 2020, subject to the limitations imposed by the Order, and shall remain in effect until either rescinded by this Court or by withdrawal or change to the Order.

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 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.

3. Hearings.

- a. All currently-calendared hearings shall be continued due to the court closure and shall be re-noticed to parties once the court closure ends and court operations fully resume.
- b. All other 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.