



SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
Hall of Justice and Records  
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Redwood City, California 94063-0965

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June 23, 2010

To All Interested Persons,

The following are changes to this Court's Local Court Rules that will become effective on July 1, 2010. These changes have been approved by the Court and have complied with the approval process as set forth in the California Rules of Court, Rule 10. 613. The changes have been highlighted, underlined and stricken out for easy identification.

A newly revised version of the complete set of the Local Rules with these changes will be posted on the Court's website on June 30, 2010. Any questions can be sent to the Court's webmaster at: [smccomment@sanmateocourt.org](mailto:smccomment@sanmateocourt.org).

## PROBATE

Rule 4.81.1 Petition for Appointment of a Conservator.

A. A petition for establishment of a conservatorship requires the following forms:

- (1) Petition for Appointment of Probate Conservator (GC-310);
- (2) Confidential Supplemental Information (GC-312);
- (3) Notice of Hearing (GC-020);
- (4) Order Appointing Court Investigator (GC-330);
- (5) **Ex Parte Order Authorizing Disclosure of Proposed Conservatee's Health Information to Court Investigator (HIPPA) (GC-336)**
- (6) Capacity Declaration-Conservatorship (GC-335 );
- (7) Dementia Attachment to Capacity Declaration (GC-335A)
- (8) Citation (GC-320);
- (9) Confidential Conservator Screening (GC-314);
- (10) Duties of Conservator and Acknowledgment of Receipt of Handbook (GC-348);
- (11) Conservatee's Information and List of Relatives (Local Court Form PR-1); and
- (12) Appointment of Probate Referee (Estate) local form.

Sections B-D are unchanged.

(Adopted, effective July 1, 2004 [former Rule 4.81(a)]) (Amended 1/1/05)(Amended, July 1, 2005)  
(Amended, effective January 1, 2009) **(Amended, effective July 1, 2010).**

## FAMILY LAW

Rule 5.7 Order to Show Cause and Notice of Motion Rules

A. Moving and Responsive Papers

1. Moving Papers: Unchanged.

2. Time for Serving Responsive Documents and Reply Documents: All papers responding to an Order to Show Cause or Notice of Motion shall so state in the caption. Such responsive papers shall be filed with the court and served no later than the **ninth (9<sup>th</sup>) court day** ~~10<sup>th</sup> calendar~~ preceding the hearing. A party who has not filed a timely written response may be denied the opportunity to offer oral argument at the hearing. All papers filed in reply to a response to an Order to Show Cause or a Notice of Motion shall so state in the caption. All reply papers shall be filed with the court and served no later than the **fifth (5th) court calendar** day prior to the hearing. Any papers not timely filed may not be considered by the court, absent a showing of good cause.

The other provisions of Rule 5.7 are unchanged.

(Adopted, effective January 1, 2000)(Amended and renumbered (*formerly Rule 5.6*), effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2010) (**Amended, effective July 1, 2010**)

### 5.13 Family Court Services

Sections A & B are unchanged

#### C. Court Ordered Private Child Custody Evaluations:

1. Court appointed evaluators shall abide by the requirements of Rule ~~12573~~ **5220**, et seq. Uniform Standards of Practice of the Court Ordered child custody evaluation in the California Rules of Court.

Subsections 2-12 remain unchanged.

(Adopted, effective January 1, 2000)(Renumbered (formerly 5.11)and Amended, effective January 1, 2004) (Amended, effective January 1, 2005) (**Amended, effective July 1, 2010**)

## **SPECIAL MASTERS AND COMPLEX LITIGATION**

### Rule 8.7 Court Order

Upon determination by the presiding judge that reference to a special master or referee should be made, the presiding judge shall sign and file an order designating the special master and referee and fixing compensation pursuant to this rule. **In regard to appointment of special masters, the court designates its form order entitled “Order Appointing Special Master[Local Form number CV-67]” as the mandatory order to be submitted to the presiding judge.** The presiding judge, upon recommendation of the special master or referee, may allocate compensation among parties on an equitable basis.

(Adopted, effective July 1, 1996) (**Amended, effective July 1, 2010**)