



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

RODINA CATALANO  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

(650) 261-5016

September 24, 2018

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The Court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

[smsccomment@sanmateocourt.org](mailto:smsccomment@sanmateocourt.org)

with a subject line stating "Comments on Proposed Rule changes". Please state the proposal number, the section and paragraph number on which you are commenting and your comment.

Comments must be received in our office no later than **2:30 P.M., November 15, 2018.**

Sincerely,  
Rodina Catalano, Court Executive Officer

A handwritten signature in cursive script that reads "Jacqueline Chang".

By: Jacqueline Chang  
Court Rules Committee Staff

**INVITATION FOR PUBLIC REVIEW AND COMMENT**  
**[Proposed Effective Date of January 1, 2019]**

Pursuant to California Government Code § 70631 and California Rules of Court, Rule 10.613 (g) and 10.815(b), the following proposed amendments to the Local Rules are hereby distributed for public comment and notice. The affected items are:

**Proposed Revisions to Local Court Rules**

- January 2019-01 **DIVISION II – COURT MANAGEMENT – SUPERIOR COURT**  
**CHAPTER 1 Form and Service of Papers**  
Rule 2.1.5 Permissive Electronic Filing of Documents
- January 2019-02 **DIVISION III – CIVIL LAW AND MOTION – SUPERIOR COURT**  
**CHAPTER 1 General Provisions**  
Rule 3.19 Ex Parte Applications and Orders
- January 2019-03 **DIVISION IV – PROBATE DEPARTMENT**  
**CHAPTER 1 Organization and Administration**  
Rule 4.1 General Provisions
- January 2019-04 **DIVISION VI – OTHER SPECIAL DEPARTMENTS AND CALENDARS**  
**CHAPTER 5 Writs and Receivers Calendar**  
Rule 6.20 Writs and Receivers Calendar  
Rule 6.21 Tentative Rulings  
Rule 6.22 (NEW) Ex Parte Matters  
Rule 6.23 (NEW) Placing a Matter on the Writs and Receivers Calendar
- January 2019-05 **DIVISION IV – PROBATE DEPARTMENT**  
**CHAPTER 12 Guardians and Conservatorships**  
Rule 4.81.17 Accounts and Reports
- January 2019-06 **DIVISION IV – PROBATE DEPARTMENT**  
**CHAPTER 12 Guardians and Conservatorships**  
Rule 4.81.18 Confidential Status Report
- January 2019-07 **DIVISION IV – PROBATE DEPARTMENT**  
**CHAPTER 12 Guardians and Conservatorships**  
Rule 4.81.20 Death of Conservatee
- January 2019-08 **DIVISION IX – CRIMINAL DEPARTMENT**  
Rule 9.11 (NEW) Brief Preliminary Evaluations of the Mental Competency of a Criminal Defendant

## Submitting Comments

- Comments must be submitted addressed to *Proposed Rules* via email at [smcomment@sanmateocourt.org](mailto:smcomment@sanmateocourt.org).
- Please state the proposal number, the section and paragraph number on which you are commenting and your comment.
- Comments must be received **no later than 2:30 P.M. November 15, 2018.**

**PROPOSED AMENDMENTS TO LOCAL COURT RULES – Effective January 1, 2019**

<b>Proposal Jan. 2019 – No. 1</b>	
<b>Title</b>	<b>LOCAL RULE 2.1.5 – Permissive Electronic Filing of Documents</b>
<b>Summary</b>	Changes to e-filing rule.
<b>Discussion</b>	<p>Paragraph A is amended to now allow permissive e-filing in criminal cases.</p> <p>Paragraph D is repealed because it is now superseded by statute.</p>
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>A. The Court permits parties to electronically file documents in any civil class action, civil coordinated action, civil action that is provisionally complex under Rule 3.400(c) of the California Rules of Court, or civil action that is deemed complex pursuant to CRC Rule 3.403. The Court permits parties to electronically file documents in any action or proceeding brought under the Family Code. The Court permits parties to electronically file documents in any action or proceeding to which the Probate Code applies, <i>pursuant to CRC Rule 7.802</i>. The Court permits parties to electronically file documents in any action under the jurisdiction of the Small Claims Court, pursuant to Code of Civil Procedure Section 116.110 et seq. The Court permits parties to electronically file documents in any Unlawful Detainer action brought under Code of Civil Procedure Sections 1159 through 1179a. <i>The Court permits parties to electronically file documents in any felony or misdemeanor Criminal action (but not Traffic Court or infraction cases)</i>. The Court does not presently permit electronic filing in other types of cases.</p> <p>B. ***</p> <p>C. ***</p> <p>D. <i>Repeal. (See CCP §1010.6(b)(3).)</i></p> <p>(Adopted, effective January 1, 2014) (Amended, effective January 1, 2017)(Amended, effective July 1, 2017) <i>(Amended, effective January 1, 2019)</i>.</p>

**Proposal Jan. 2019 – No. 2**

<p align="center"><b>Title</b></p>	<p><b>LOCAL RULE 3.19 – Ex Parte Applications and Orders</b></p>
<p align="center"><b>Summary</b></p>	<p>Amend rule regarding ex parte matters concerning Writs and Receivers to reflect existing practice. Streamline ex parte application procedures, and repeal subsection superseded by Rules of Court.</p>
<p align="center"><b>Discussion</b></p>	<p>The proposed rule change is intended to streamline ex parte procedures for all parties and to effectuate judicial economy. Multiple instances have occurred where the applicant notices the ex parte from 2 to 3:30 p.m. and does not actually appear until after 3 p.m., sometimes as late as 3:25 pm. This inconveniences the other parties who show up at 2 p.m. given the applicant’s notice. This practice also inconveniences the Court. In addition, a number of applicants routinely send messengers to present ex parte applications for matters outside of those set forth in CRC 3.1207 rather than appearing in person, in pro per, or by a licensed attorney. Several years ago, a separate “Writs and Receivers” Calendar was created, but parties are continuing to bring ex parte matters involving Writs and Receiver matters to the Presiding Judge, instead of the Judge assigned to hear Writs and Receivers Matters. The change to this rule reflects existing practice. The proposed amendment to Local Rule 3.19 would keep ex parte matters currently heard by the Presiding Judge in that department, but refer Writs and Receivers Calendar related ex parte matters to the Judge assigned to hear the Writs and Receivers Calendar.</p>
<p><b>Proposed Changes</b>  (insert text of new rule or changes here with track changes)</p>	<p><i>A.a)</i> Reference CRC <del>R</del>rules 3.1200-3.1207 and 2.306.  <i>B.b)</i> Time and Place. Ex parte <i>applications hearings in general civil cases</i> are <i>heard at held from</i> 2:00 P.M. to 3:30 P.M. Monday through Friday. In general, all ex parte applications shall be presented in the Law and Motion Department except for the following, which shall be presented to the Presiding Judge:  1) Motions affecting a trial date including preference setting and motions to continue trial   <del>(2) Writs of Mandate and Prohibition</del>   <del>(3) Temporary Restraining Orders and Orders to Show Cause re Preliminary Injunction</del>   (4)(2) Motions to continue arbitration;   (3) <i>Civil Harassment Restraining Orders</i>   <i>And except for the following, which shall be presented to the Judge assigned to the Writs and Receivers Calendar:</i></p>

(1) *Writs of Mandate and Prohibition*

(2) *Temporary Restraining Orders and Orders to Show Cause re Preliminary Injunction*

~~C.e) Notice. Reference CRC Rule 2.306. Notice of an ex parte application may be given by fax if the parties have an existing fax service agreement and the proof of service complies with the requirements of CRC 2.306.~~

*D. Filing and Submission. Except for ex parte application seeking Civil Harassment and Workplace Violence Temporary Restraining Orders, or where the ex parte applicant has previously been granted a fee waiver, the applicant shall pay the ex parte application filing fee to the Clerk of the Court, located in Room A on the first floor of the Hall of Justice in Redwood City, prior to presenting the ex parte application to the judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for that department no later than 2:15 P.M. on the date of the ex parte hearing.*

*E. Personal Appearance. Ex parte applicants must appear in person, subject to the exceptions set forth in CRC Rule 3.1207, as ex parte telephone appearances cannot be accommodated at the present time.*

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007).  
(Amended, effective January 1, 2019).

**Proposal Jan. 2019 – No. 3**

<b>Title</b>	<b>LOCAL RULE 4.1 – General Provisions</b>
<b>Summary</b>	Permit Probate Department to hear related civil matters.
<b>Discussion</b>	This rule is needed to clear up any ambiguity regarding the plenary jurisdiction of the probate court. The Proposed Change to the local rules, defines the Probate Assignment to include “Probate related civil matters” and provides that the assignment of a probate department case number does not affect the type of jurisdiction being exercised. Accordingly, all probate related civil matters can be assigned to and decided by the probate department pursuant to Probate Code § 800.
<b>Proposed Change(s)</b>  (insert text of new rule or changes here with track changes)	<p><i>A. The Probate Department shall handle hear and determine all matters arising under the Probate Code, including but not limited to all matters relating to Estates, Trusts, Conservatorships, Guardianships, and the protection of Elders under the Welfare and Institutions Code; and the Probate Department is authorized to and granted subject matter jurisdiction to adjudicate all general civil matters relating to Estates, Trusts, Conservatorships, Guardianships, and the protection of Elders, including but not limited to claims relating to the ownership, management or rights to property owned or claimed by Estates, Trusts, Conservatorships, Guardianships, or Elders.</i></p> <p><i>All Unlawful Detainer matters will continue to be heard as civil matters, regardless of the nature of the parties involved.</i></p> <p><i>The claims alleged in the pleadings filed by the parties in a given matter -- not the case number assigned to the matter by the Court -- determines the type of jurisdiction being invoked. Absent pleadings indicating otherwise, the Probate Department will exercise the full extent of general subject matter jurisdiction over civil matters assigned to the Probate Department..</i></p> <p><del>A.B.</del> Tentative Rulings: Tentative rulings on probate matters may be obtained after 3:00 p.m. by telephone at (650) 261-5019 or by the Court’s website, <a href="http://www.sanmateocourt.org">www.sanmateocourt.org</a> one court day prior to the hearing. Matters set on the non-appearance calendar are considered pre-approved, but still subject to objection. If an appearance becomes necessary due to an objection received after the tentative ruling was posted or for some other reason for a matter that had been set on the non-appearance calendar, the matter will be continued and the clerk of the court will notify the parties of the continued hearing date. The continued hearing date will also be displayed on the Odyssey Portal on the court’s website.</p> <p><del>B.C.</del> Continuances in Conservatorship and Guardianship Matters: A request for continuance should be made at the earliest possible time prior to the</p>

hearing and must be to a date approved by the Probate Court Investigator. Continuances requested by the attorney of record, or petitioner in pro per, may be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the Probate Judge. An appearance will be required by the attorney or the self-represented conservator or guardian, before the Court will consider granting a continuance more than once for a General Plan and/or Inventory and Appraisal hearing, or more than twice for any other conservatorship or guardianship matter. Nothing herein shall prevent the Probate Court Investigator from continuing a matter as necessary to complete their investigation or review.

**C.D.** Continuances in Probate Matters Other Than Conservatorship and Guardianships. A request for continuance should be made at the earliest possible time prior to the hearing. All such requests for continuances shall be made by email to probate@sanmateocourt.org. Continuances requested by the attorney of record, or petitioner in pro per may be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the Probate Judges. If the matter is not ready for hearing after two continuances it will be dropped from the probate calendar, and the matter will have to be reset and re-noticed before it will be heard.

**D.E.** Appropriate Dispute Resolution, ADR, Policy Statement.

Contested probate matters, including will and trust contests, are uniquely well suited for various types of ADR processes including, but not limited to, mediation, neutral evaluation and arbitration. The Court finds that ADR can contribute to the prompt, economical and satisfying resolution of probate disputes. Accordingly, unless otherwise ordered, any contested probate matter set for an evidentiary hearing or trial shall be referred to ADR as soon as the Probate Department is aware the contested matter will not be resolved by declaration on the regular Probate Department Calendar. The Court may refer parties to ADR at the initial hearing in the case or at any other point in the proceedings deemed appropriate. Cases also may be referred directly to ADR by agreement of the parties.

(1) ADR Referral Procedures.

Upon referral to ADR, the judge will order parties and their counsel to meet with or contact court ADR staff to discuss their ADR options and the court's ADR program.

The Court expects parties to complete ADR within 60-90 days after the initial referral to ADR, unless otherwise ordered or good cause is shown to dispense with this requirement.

(2) Stipulation and Order to ADR.

Parties shall, within 21 days of the date of the referral to ADR, file a completed Stipulation and [Proposed] Order to ADR with the court. The Stipulation shall include the name of the neutral, the date of the ADR session and the names of those who will attend. A copy of the



Court's standard probate Stipulation form is available at the probate counter in the Clerk's Office, on the court's website or by contacting the ADR Department.

**~~E.F.~~** Sanctions: Failure to comply with local rules may result in sanctions under the Superior Court of California, County of San Mateo Local Court Rule 0.2.

**~~F.G.~~** Venue for Probate Cases

All proceedings under the Probate Code are to be filed with the Probate Division's Clerk's Office at the Hall of Justice, 400 County Center, first floor, Redwood City, California. All Probate Court proceedings will also be heard at the Southern Division in Redwood City, California, unless otherwise ordered by the Presiding Judge or a designated Supervising Judge pursuant to Local Rule 6.9.

(Adopted, effective July 1, 1996; Amended, effective January 1, 2003; effective July 1, 2004; Amended, effective January 1, 2013; Amended, effective July 1, 2013, Amended, effective January 1, 2014; Amended, effective January 1, 2018; *Amended, effective January 1, 2019.*)

**Proposal Jan. 2019 – No. 4**

<p><b>Title</b></p>	<p><b>LOCAL RULE 6.20 – Writs and Receivers Calendar</b>  <b>LOCAL RULE 6.21 – Tentative Rulings</b>  <b>LOCAL RULE 6.22 [NEW] – Ex Parte Matters</b>  <b>LOCAL RULE 6.23 [NEW] – Placing a Matter on the Writs and Receivers Calendar</b></p>
<p><b>Summary</b></p>	<p>Amend to assign all ex parte applications and law and motion matters concerning Writ Petition to the Writs and Receivers Calendar</p>
<p><b>Discussion</b></p>	<p>While Petitions for Writs of Administrative Mandate are heard on decided on the Writs and Receivers Calendar, demurrers to Writ Petitions that typically address the very subject of the Writ Petition itself, are currently assigned to Civil Law and Motion. The proposed change would assign demurrers to Writ Petitions to the Writs and Receivers Calendar. The proposed change also addresses ex parte matters for the reasons discussed in the proposed change to Rule 3.19.</p>
<p><b>Proposed Changes</b></p> <p>(insert text of new rule or changes here with track changes)</p>	<p><u>Rule 6.20. Writs and Receivers Calendar</u></p> <p>Except for a civil action assigned to a single judge <i>or assigned to a judge for trial, or a CEQA action</i>, the Writs and Receivers Calendar is designated to handle, hear and determine (1) all <i>petitions for writs of mandate and prohibition, including all civil matters to which a writ petition is joined, all motions made prior to trial (such as, pleadings motions and discovery motions); (2) all motions for preliminary injunctions</i>, orders to show cause re: preliminary injunction and other motions seeking imposition of an injunction; and (3) all proceedings regarding receiverships, including <i>motions for appointment, and motions authorizing actions, accountings, requests for compensation. Matters involving Writs of Attachment or other Civil Creditor Remedies are heard by the Judge assigned to Civil Law and Motion, or in the case of Order of Examination, the Presiding Judge. Matters involving a Writ seeking review of an order by this Court are heard by the Appellate Department.</i> (Adopted, effective July 1, 2015, <i>Modified, effective January 1, 2019</i>)</p> <p><u>Rule. 6.21 Tentative Rulings</u></p> <p>Tentative rulings by the judge assigned to the Writs and Receivers Calendar shall be posted by 3:00 p.m. one court day prior to the hearing or other proceeding. Counsel for the parties and/or any self-represented parties shall obtain the tentative ruling by telephoning (650) 261-5019 after 3:00 p.m. or by accessing the court’s website at: <a href="http://www.sanmateocourt.org/online_services/tentative_rulings.php">http://www.sanmateocourt.org/online_services/tentative_rulings.php</a>, under the category “Writs and Receivers Calendar Tentative Rulings”. <i>Parties should note that the Writs and Receivers Calendar Tentative Rulings are a separate set of tentative rulings and are not included as part of Civil Law and Motion Tentative Rulings or Presiding Judge Tentative Rulings.</i> Parties seeking to contest the tentative ruling and present oral argument at the hearing or other proceeding shall notify all other parties and the Court by 4:00 p.m. on the court day before the hearing or other proceeding of that party’s intention to appear. That</p>

party shall notify the Court by telephoning (650) 261-5019 by 4:00 p.m. The tentative ruling will automatically become the ruling of the Court if the Court has not directed oral argument by its tentative ruling and notice of intent to appear has not been timely given.

(Adopted, effective July 1, 2015) *(Amended, effective January 1, 2019)*

*Rule 6.22 (New) Ex Parte Matters*

*Except for a civil action assigned to a single judge or a CEQA action, the Judge assigned to hear the Writs and Receivers Calendar is designated to handle, hear and determine (1) all ex parte matters involving writ petitions; (2) all ex parte matters involving preliminary injunctions or the issuance of an order to show cause regarding preliminary injunction; and (3) all ex parte matters relating to receivers. See Rule 3.19.*

*(Adopted, effective January 1, 2019.)*

*Rule 6.23 (New) Placing a Matter on the Writs and Receivers Calendar*

*A matter may be set for hearing in the Writs and Receivers Department either (1) by filing a Notice of Motion or Notice of Hearing with a pre-selected a hearing date conforming with the designated day and time used for the Writs and Receivers Calendar, or (2) by presenting an ex parte application and obtaining an Order to Show Cause regarding the issuance of a Writ or the issuance of a Preliminary Injunction that orders the defendants or respondents to appear in the Writs and Receivers Department on a particular date and time.*

*(Adopted, effective January 1, 2019.)*

**Proposal Jan. 2019 – No. 5**

<b>Title</b>	<b>LOCAL RULE 4.81.17 – Accounts and Reports</b>
<b>Summary</b>	Correct errors, form titles, and locations regarding Probate Accounts and Reports.
<b>Discussion</b>	The proposed amendments correct minor grammatical errors in the rule, and correct form titles and locations to match the exact names of those form titles and locations.
<b>Proposed Change(s)</b>  (insert text of new rule or changes here with track changes)	<p><u>Rule 4.81.17 Accounts and Reports.</u></p> <p>A. Accounting records that need to be provided to the court are set forth in Probate Code sections 2620, and 1061-1063. <b>(remove the second period)</b> Schedules for Income and Disbursements shall be stated in chronological and also categorical format.</p> <p>B. California Licensed Professional Fiduciaries or licensed guardians or conservators who are required to file original account statements with the court under Prob.C. § 2620(c)(3) shall “Lodge” those records with the court rather than filing them as permitted under this code section. These records will be returned to the submitting party when the court determines the guardian’s or conservator’s accounting is <i>. approved (or final).</i></p> <p>C. Any person who is submitting records as required pursuant to Prob.C. § 2620 shall file an affidavit captioned “CONFIDENTIAL FINANCIAL STATEMENT” that describes the character of the documents attached to it as described in Prob.C. § 2620(c)(7) [confidential or personal information contained in the accounting records]. The submitting party must comply with the provisions of § 2620(c)(7).</p> <p>D. Individuals who “Lodge” their records under this Rule shall:</p> <p>(1) Review and comply with the <i>Instructions</i> for Lodging <i>Original Financial Statements</i> that can be found on the Court’s <i>website at <a href="http://www.sanmateocourt.org">www.sanmateocourt.org</a></i> in the Probate section under the <i>“Forms and Filing” tab</i>. Local Court Form PR-26 .</p> <p>(2) <i>Physically attach a completed Receipt for Confidential Lodged Financial Statements (Form PR-27) to the envelope or file box containing the documents to be lodged.</i></p> <p>(3) Deliver the records to be lodged to the <i>Probate Court Investigations office at the Superior Court’s Hall of Justice, 8<sup>th</sup> floor, 400 County Center</i> in Redwood City, California.</p>

(4) All statements must be placed in a manila envelope. If one envelope is insufficient to hold all of the statements, additional envelopes shall be used and numbered in sequence (i.e. 2 of 4). However, if ten or more packets are being submitted, the records shall be stored in a cardboard storage box.

(5) Pick up the lodged documents from the court *Probate Court Investigations Office* within (5) five court days after the “Order Approving Account.”

E. The Public Guardian is exempt from stating their Schedule for Income and Disbursements in chronological format by account and in a categorical format as required in paragraph “A” above.

(Adopted, effective July 1, 2004 [formerly Rule 4.81(h)(1)] )(Amended, effective January 1, 2008) (Amended, effective July 1, 2009) (*Amended, effective January 1, 2019.*)

**Proposal Jan. 2019 – No. 6**

<b>Title</b>	<b>LOCAL RULE 4.81.18 – Confidential Status Report</b>
<b>Summary</b>	Requires that the Public Guardian also submit the information required in the Confidential Status Report.
<b>Discussion</b>	The current Rule provides for the mandatory use of the Confidential Status Report (PR-19) form, but exempts the Public Guardian from the use of this form. Subsection “B” as written does not clearly require the Public Guardian to submit any of the required information which is necessary for the Probate Investigators to complete a report. This can create an issue in cases involving Public Guardians when the information necessary to complete the probate investigation report is not submitted by the Public Guardian. The proposed amendment would help clarify that the Public Guardian must submit the information required in the Confidential Status Report as listed in Subsection A of the rule irrespective of the form used.
<b>Proposed Change(s)</b>  (insert text of new rule or changes here with track changes)	<u>Rule 4.81.18 Confidential Status Report.</u>  A. Unless waived by the Court, every conservator shall file a Confidential Status Report at the time of the court review, excluding the six (6)-month review, or upon the filing of an accounting. A local form “Confidential Status Report (PR-19)” may be submitted or, the conservator may submit a more detailed pleading as appropriate under the circumstances but it must include all the information required in Local Court Form PR-19. The report shall include conservatee’s:  <ol style="list-style-type: none"><li>1. Name/address/telephone/type of residence;</li><li>2. Diagnosis;</li><li>3. Living arrangements &amp; functional level (describe what assistance is provided); length of stay at residence; describe the facility, what services it offers and the medical monitoring; intent to continue placement or make a change; any hospitalizations;</li><li>4. State current value, average monthly income, average monthly expenses, explaining any unusual receipts, expenses or “internal accounting adjustments” not otherwise delineated in the account, and the amount of the bond required to cover all assets, less real property, and estimated income for one year. State if there is a trust/special needs trust, name of trustee, and fair market value of the trust. Provide income information for conservatees receiving public benefits and name of Representative Payee.</li><li>5. Current issues - conservator’s personal observations and compliance with court orders;</li><li>6. Description of all sales, purchases, changes in form of assets, explanation of unusual items, statement of all compensation paid from assets subject to the account, family affiliation, cash invested; and</li><li>7. Dates of visits to conservatee.</li></ol>

B. The Public Guardian is exempt from the use of the “Confidential Status Report” form that is required in paragraph “A” above. *However, all of the information required in the report must be included if another format is used.*

(Adopted, effective July 1, 2004 [formerly Local Rules 4.81(h) and (i)])  
(Amended, effective July 1, 2006) (Amended, effective July 1, 2009)  
*(Amended, effective January 1, 2019).*

**Proposal Jan. 2019 – No. 7**

<b>Title</b>	<b>LOCAL RULE 4.81.20 – Death of Conservatee</b>
<b>Summary</b>	Provide a deadline for final accounting by a conservator.
<b>Discussion</b>	A problem arises when years go by without a final accounting filed by a conservator. The proposed amendment matches the current deadline imposed by the court, and would explicitly state in writing that there is a 60-day deadline for the conservator of the estate to file a final accounting before the conservator will be discharged.
<b>Proposed Change(s)</b>  (insert text of new rule or changes here with track changes)	<p><u>Rule 4.81.20 Death of Conservatee</u> Upon the death of a conservatee:</p> <p>(a) The conservator shall file a Notice of Death of Conservatee with a certified copy of the death certificate attached within 60 days.</p> <p>(b) For conservator of the person only, no further request for discharge is required. Probate Code section 1860.</p> <p>(c) For conservator of the estate, a final account shall be filed and approved <i>within 60 days</i> before the conservator will be discharged, unless otherwise waived by the court.</p> <p>(d) Notice of the hearing on the settlement of the final account be given to the personal representative of the probate estate, if one has been appointed, is named in the conservatee’s will, or if none, to any legatee and to the heirs of the conservatee so far as is known to the conservator.</p> <p>(Adopted, effective July 1, 2004 [formerly Rule 4.81(1)]) <i>(Amended, effective January 1, 2019).</i></p>



**Proposal Jan. 2019 – No. 8**

<b>Title</b>	<b>LOCAL RULE 9.11 [NEW] - Brief Preliminary Evaluations of the Mental Competency of a Criminal Defendant</b>
<b>Discussion</b>	Local Rule 9.11 is added to meet the requirements of California Rule of Court 4.130(a)(3) permitting a brief preliminary evaluation if the parties stipulate to the brief preliminary evaluation and the court orders the brief preliminary evaluation in accordance with a local rule of court that specifies the content of the evaluation and the procedure for the preparation and submission of the report to the court.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p><i><u>Rule 9.11 (New) - Brief Preliminary Evaluations of the Mental Competency of a Criminal Defendant</u></i></p> <p><i>(a) <u>Brief Preliminary Evaluation Reports.</u> A brief preliminary evaluation of the mental competency of a criminal defendant may be conducted by a forensic evaluator. The evaluation shall be memorialized in a written report, which shall be submitted to the court in which the defendant's competency case is pending. The report shall specify the defendant's name, the date of the evaluation, and the case number or numbers. The report shall also specify the reasons for the forensic evaluator's opinion as to the defendant's competence, including observed symptoms, and the defendant's ability or inability to understand the nature of the criminal proceedings or assist counsel in the conduct of a defense in a rational manner as a result of a mental disorder. If the forensic evaluator opines that the defendant is not competent to stand trial, the report shall address the issues regarding antipsychotic medication as specified in Penal Code section 1369(a). The report shall be signed by the forensic evaluator.</i></p> <p><i>(b) <u>Application.</u> This local rule is intended to comply with Rule 4.130(a)(3) of the California Rules of Court, so that Brief Preliminary Evaluation Reports prepared in accordance with this rule need not comply with Rule 4.130(d)(2).</i></p> <p><i>(Adopted, effective January 1, 2019.)</i></p>