



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

NEAL TANIGUCHI (650) 261-5016  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

September 26, 2019

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 14, 2019**.

Sincerely,  
Neal Taniguchi, Court Executive Officer

A handwritten signature in cursive script that reads "Blake Cox".

By: Blake Cox  
Court Rules Committee Staff

**INVITATION FOR PUBLIC REVIEW AND COMMENT**  
**[Proposed Effective Date of January 1, 2020]**

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**

- |             |   |
|-------------|---|
| Jan 2020-01 | <b>DIVISION II - COURT MANAGEMENT – SUPERIOR COURT</b><br><b>CHAPTER 1 Form and Service of Papers</b><br>Rule 2.1.5 Permissive Electronic Filing of Documents |
| Jan 2020-02 | <b>DIVISION II - COURT MANAGEMENT – SUPERIOR COURT</b><br><b>CHAPTER 1 Form and Service of Papers</b><br>2.1.7 Mandatory Electronic Filing of Documents       |
| Jan 2020-03 | <b>DIVISION II - COURT MANAGEMENT – SUPERIOR COURT</b><br><b>CHAPTER 1 Form and Service of Papers</b><br>2.1.8 Documents That Cannot Be Electronically Filed  |
| Jan 2020-04 | <b>DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT</b><br><b>CHAPTER 1 General Provisions</b><br>3.3 Form of Papers                                      |
| Jan 2020-05 | <b>DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT</b><br><b>CHAPTER 1 General Provisions</b><br>3.9 Continuances and Taking Matters Off Calendar        |
| Jan 2020-06 | <b>DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT</b><br><b>CHAPTER 1 General Provisions</b><br>3.10 Tentative Rulings                                  |
| Jan 2020-07 | <b>DIVISION VI - OTHER SPECIAL DEPARTMENTS AND CALENDARS</b><br><b>CHAPTER 5 Writs and Receivers Calendar</b><br>Rule 6.21 Tentative Rulings                  |
| Jan 2020-08 | <b>DIVISION II - COURT MANAGEMENT – SUPERIOR COURT</b><br><b>CHAPTER 5 General Rules</b><br>2.12 Court Reporter Availability in Civil Actions                 |
| Jan 2020-09 | <b>DIVISION IX - CRIMINAL DEPARTMENT</b><br>9.12 Court Reporter Availability in Criminal Actions  |

- Jan 2020-10      **DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT**  
**CHAPTER 1 General Provisions**  
3.2.2 Law and Motion Hearings
- Jan 2020-11      **DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT**  
**CHAPTER 1 General Provisions**  
Rule 3.1 Application
- Jan 2020-12      **DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT**  
**CHAPTER 1 General Provisions**  
3.2.1 Law and Motion Calendar Matters
- Jan 2020-13      **DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT**  
**CHAPTER 1 General Provisions**  
3.17 Motions After Trial
- Jan 2020-14      **DIVISION III - CIVIL LAW AND MOTION - SUPERIOR COURT**  
**CHAPTER 1 General Provisions**  
3.19 Ex Parte Applications and Orders
- Jan 2020-15      **DIVISION VI - OTHER SPECIAL DEPARTMENTS AND CALENDARS**  
**CHAPTER 5 Writs and Receivers Calendar**  
6.22 Ex Parte Matters
- Jan 2020-16      **DIVISION II - COURT MANAGEMENT – SUPERIOR COURT**  
**CHAPTER 1 Form and Service of Papers**  
2.1 Form of Papers Presented for Filing
- Jan 2020-17      **DIVISION I - APPELLATE DEPARTMENT**  
**CHAPTER I Appellate Department Rules**  
1.4 Record on Appeal
- Jan 2020-18      **DIVISION VI - OTHER SPECIAL DEPARTMENTS AND CALENDARS**  
**CHAPTER 2. Juvenile Department**  
6.4.1 Court Appointed Special Advocates (CASA) Program
- Jan 2020-19      **DIVISION V - FAMILY LAW DEPARTMENT AND FAMILY COURT**  
**SERVICES**  
5.13 Family Court Services
- Jan 2020-20      **DIVISION V - FAMILY LAW DEPARTMENT AND FAMILY COURT**  
**SERVICES**  
5.15 Family Law Facilitator’s Duties

- Jan 2020-21      **DIVISION II - COURT MANAGEMENT – SUPERIOR COURT**  
**CHAPTER 2 Civil Trial Court Management Rules**  
2.3 New Case Management
- Jan 2020-22      **DIVISION IV - PROBATE DEPARTMENT**  
**CHAPTER 12 Guardians and Conservatorships**  
4.76 Temporary Conservatorships
- Jan 2020-23      **DIVISION IV - PROBATE DEPARTMENT**  
**CHAPTER 12 Guardians and Conservatorships**  
4.77.14 Temporary Guardianship - Emergency Situations Only

### **Submitting Comments**

- Comments must be submitted addressed to *Proposed Rules* via email at [smscomment@sanmateocourt.org](mailto:smscomment@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 14, 2019.**

**Proposal Jan. 2020 – No. #1**

<b>Title</b>	<b>LOCAL RULE 2.1.5 Permissive Electronic Filing of Documents</b>
<b>Summary</b>	Shifts e-filing in Family Law and Probate cases from permissive to mandatory.
<b>Discussion</b>	
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>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 Civil Limited cases and in any Civil Unlimited cases. <del>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, pursuant to CRC Rule 7.802.</del> 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. The Court permits parties to electronically file documents in any felony or misdemeanor Criminal action (but not Traffic Court or infraction cases). The Court does not presently permit electronic filing in other types of cases. <i>(See Local Rule 2.1.7 for mandatory electronic filing of documents.)</i></p> <p>(Adopted, effective January 1, 2014) (Amended, effective January 1, 2017)(Amended, effective July 1, 2017) (Amended, effective January 1, 2019)(Amended, effective July 1, 2019) <i>(Amended January 1, 2020).</i></p>

Proposal Jan. 2020 – No. #2

<b>Title</b>	<b><i>New LOCAL RULE 2.1.7 Mandatory Electronic Filing of Documents</i></b>
<b>Summary</b>	Established local rules for mandatory e-filing in Family Law and Probate proceedings, and identifying the exceptions thereto, as required by Code of Civil Procedure Section 1010.6 and California Rules of Court, Rule 2.253.
<b>Discussion</b>	
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p><b><u><i>Mandatory Electronic Filing of Documents</i></u></b></p> <p>(a) <i>Except for self-represented litigants, all parties are required to electronically file documents in all actions or proceedings brought under the Family Code, and all actions or proceedings to which the Probate Code applies, pursuant to CRC Rule 7.802.</i></p> <p>(b) <i>Pursuant to CRC Rule 2.252(e), in a proceeding that requires the filing of an original document, an electronic filer may file an electronic copy of a document if the original document is then filed with the court within 10 calendar days.</i></p> <p>(c) <i>Pursuant to CCP Section 1010.6(d)(4) and CRC Rule 2.253(b)(1), self-represented parties are exempt from any mandatory electronic filing requirements, but are permitted to and encouraged to electronically file documents, if they so choose.</i></p> <p>(d) <i>A party that is subject to mandatory electronic filing may seek to be excused therefrom by submitting a Request for Exemption from Mandatory Electronic Filing and Service, Judicial Council form EFS-007, and obtaining a court order granting the request.</i></p> <p><i>(Adopted, effective January 1, 2020)</i></p>

**Proposal Jan. 2020 – No. #3**

<b>Title</b>	<b><i>New LOCAL RULE 2.1.8 Documents That Cannot Be Electronically Filed</i></b>
<b>Summary</b>	Identifying certain documents that cannot be electronically filed (or lodged) and must be submitted in paper form, in compliance with California Rules of Court, Rule 2.254.
<b>Discussion</b>	The Court’s website presently sets forth those documents which are not presently allowed to be e-filed and must still be presented in paper form.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p><b><i>As an exception to Rule 2.1.5 and Rule 2.1.7, certain documents cannot be electronically filed (or lodged) with the Court, and must be filed by conventional means, i.e., paper documents. At present, documents that cannot be electronically filed (or lodged) and must be submitted in paper form, include the following:</i></b></p> <p style="padding-left: 40px;"><b><i>(a) In All Actions: Ex parte applications and all other ex parte filings; stipulation and proposed order; orders after hearing; order of examination; trial exhibits; administrative records; writs; abstracts; subpoenas; requests for judgment; proposed judgments; bonds and undertakings; out-of-state commissions; out-of-state judgments; subpoenas for out-of-state actions; all appeal documents including notice of appeal;</i></b></p> <p style="padding-left: 40px;"><b><i>(b) In Probate actions: Wills; codicils; estate planning documents; documents lodged pursuant to Probate Code section 2620; letters of administration; letters of testamentary; certified copy of death certificate; letters of conservatorship, guardianship, or temporary guardianship or conservatorship;</i></b></p> <p style="padding-left: 40px;"><b><i>(c) In General Civil actions: Mandatory settlement conference statements; Certificate of Fact form DL30;</i></b></p> <p style="padding-left: 40px;"><b><i>(d) In Misdemeanor and Felony Criminal actions: Bench warrants;</i></b></p> <p style="padding-left: 40px;"><b><i>(e) In Family Law actions: Summary dissolution cases; peremptory judicial challenges.</i></b></p> <p><b><i>A list of such documents is regularly updated on the Court’s website, as the Court continues to expand its electronic filing capabilities.</i></b></p> <p><b><i>(Adopted, effective January 1, 2020)</i></b></p>

**Proposal Jan. 2020 – No. #4**

<b>Title</b>	<b>LOCAL RULE 3.3 Form of Papers</b>
<b>Summary</b>	Format of Hard Copy Documents Submitted for Filing
<b>Discussion</b>	The Court has been experiencing problems due to failure of parties to properly format electronically filed documents. This is particularly a problem when documents are lengthy or contain multiple exhibits. This emphasizes the importance of presenting e-documents as text searchable and bookmarked, and notifies the parties that failure to comply may result in rejecting of filings or continuance of hearings.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	Reference CRC, rules 2.100-2.119, 3.1110. <i>Pursuant to CRC Rule 2.256(b)(3), all electronically filed documents (other than exhibits) must be text searchable. Pursuant to CRC Rule 3.1110(f)(4), exhibits to any electronically filed briefs, declarations or other documents must be electronically “bookmarked”. Failure to bookmark exhibits to electronically filed documents may result in rejection of the party’s e-filing by the Clerk of the Court or in continuance of the hearing by the Court on the related motion.</i>  (Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Amended, effective January 1, 2020)



**Proposal Jan. 2020 – No. #5**

	<b>LOCAL RULE 3.9 Continuances and Taking Matters Off Calendar</b>
<b>Title</b>	
<b>Summary</b>	Provides process for taking Law & Motion matters off calendar, continuances, or advances by e-mail.
<b>Discussion</b>	As the Court moves towards “paperless” files, this proposed amendment would establish a procedure and opportunity for parties to request that a motion in the Law & Motion Department be taken “off calendar” or that the hearing be continued by sending an e-mail to a new dedicated e-mail address, rather than having to send paper correspondence.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>(a) Reference CRC rule 3.1304</p> <p>(b) Monetary Sanctions. Failure to advise the court at least three court days before the hearing of the fact that the hearing will not proceed as scheduled, for any reason other than settlement of the case or resolution of the issue within the three-day period, may be deemed by the court to be a violation of an order of the court, punishable by money sanctions payable to the <del>County</del> <b>Clerk of the Court pursuant to</b> <del>under</del> Code of Civil Procedure section 177.5.</p> <p>(c) <del>Drops. The Clerk’s office cannot drop a matter from the Law &amp; Motion calendar unless a document is received (by mail, e-mail or courier) from the moving party to drop the hearing from calendar.</del> <b><i>Off Calendar. Any request to withdraw a motion or other matter already set for hearing in the Law &amp; Motion Department, or to otherwise vacate a hearing, must be in writing, and can only be requested by the moving party. Any such written request to take a Law &amp; Motion matter off calendar must be either by (i) filing and service of a Notice of Withdrawal of Motion, or (ii) email correspondence to <a href="mailto:LawAndMotion@sanmateocourt.org">LawAndMotion@sanmateocourt.org</a> with the email contemporaneously copied to all parties or their counsel of record. If by email, the moving party must include the name of the case, the case number, the particular motion and the date of the hearing, and the name of the party requesting the matter be taken off calendar. The filing and service of a Notice of Settlement or of a Dismissal as to the moving party will automatically vacate the Law &amp; Motion hearing.</i></b></p> <p>(d) Continuances, or advances. <del>The Clerk’s Office cannot continue or advance a matter unless all parties have agreed in writing (by fax, mail e-mail or courier) to the new date.</del> <b><i>Any request to change the hearing date of a motion or other matter already set for hearing in the Law &amp; Motion Department must be in writing. Any such written request to the Law &amp; Motion Department to change a hearing date must be either by (i) stipulation and order, (ii) ex parte application and order, or (iii) joint email correspondence by all parties or their counsel of record to <a href="mailto:LawAndMotion@sanmateocourt.org">LawAndMotion@sanmateocourt.org</a> with the email contemporaneously reflecting the sender and recipients include all parties or their counsel of record. If a request to change a hearing date is granted, the original moving party shall immediately file and serve an Amended Notice of the motion or other matter reflecting the new hearing date.</i></b></p>

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)  
(Amended, effective July 1, 2018) (*Amended, effective January 1, 2020*)

Proposal Jan. 2020 – No. #6

<b>Title</b>	<b>LOCAL RULE 3.10 Tentative Rulings</b>
<b>Summary</b>	Establish electronic procedures for contesting tentative rulings.
<b>Discussion</b>	Presently, parties must telephone in order to contest a tentative ruling on a motion set for hearing. The proposed rule amendments would establish a procedure and provide an opportunity for parties to contest tentative rulings by e-mail to a dedicated e-mail address for matters set for hearing in the Law & Motion Department, the Presiding Judge’s Law & Motion calendar, and the Writs & Receivers Department.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>(a) Reference California Rules of Court, rule 3.1308</p> <p>(b) Availability. A tentative ruling on a <i>any</i> law and motion matter may be obtained by telephoning (650) 261-5019, after 3:00 p.m. on the first court day immediately preceding the hearing on the motion or by accessing the court’s website at <a href="http://www.sanmateocourt.org/director.php?filename=/lawmotion/alltentrules.php">http://www.sanmateocourt.org/director.php?filename=/lawmotion/alltentrules.php</a></p> <p>(c) Notice of Intent to Appear. Reference California Rules of Court, rule 3.1308(a)(1). Parties intending to appear on the matter shall notify the Law and Motion Department or the department hearing the case and state their intent to appear. Parties shall follow the instructions as directed on the telephone Tentative Ruling notification message or on the Court’s website.</p> <p><i>(1) A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Law &amp; Motion Department must notify the Law &amp; Motion Department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing <a href="mailto:LawAndMotion@sanmateocourt.org">LawAndMotion@sanmateocourt.org</a> with that email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.</i></p> <p><i>(2) A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Department of the Presiding Judge must notify that department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing <a href="mailto:PJLawAndMotion@sanmateocourt.org">PJLawAndMotion@sanmateocourt.org</a> with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.</i></p> <p><i>(3) A party intending to appear in order to contest the tentative ruling on a matter calendared for hearing in the Writs and Receivers Department must notify that department by 4:00 p.m. on the court day before the hearing either by (i) telephoning (650) 261-5019, or (ii) emailing <a href="mailto:WRLawAndMotion@sanmateocourt.org">WRLawAndMotion@sanmateocourt.org</a> with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the</i></p>

*name of the case, the case number, and the name of the party contesting the tentative ruling.*

(Adopted, effective July 1, 2000) (Amended, effective January 1, 2007)

(Amended, effective July 1, 2007)(Amended, effective January 1, 2014)

*(Amended, effective January 1, 2020)*

**Proposal Jan. 2020 – No. #7**

<b>Title</b>	<b>LOCAL RULE 6.21 Tentative Rulings</b>
<b>Summary</b>	Provides process to electronically contest tentative rulings set on the Writs and Receivers calendar.
<b>Discussion</b>	Consistent with proposed amendments to Local Rule 3.10, this proposal would amend existing 6.21, which specifically pertains to the Writs & Receivers Department, to allow parties to contest tentative rulings by e-mail rather than by telephone.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<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”. 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. 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 party shall notify the Court by telephoning (650) 261-5019 by 4:00 p.m. <i>or by emailing <a href="mailto:WRLawAndMotion@sanmateocourt.org">WRLawAndMotion@sanmateocourt.org</a> with the email contemporaneously copied to all parties or their counsel of record. If by email, it must include the name of the case, the case number, and the name of the party contesting the tentative ruling.</i> 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, <i>subject to the Court’s discretion.</i></p> <p>(Adopted, effective July 1, 2015) (Amended, effective January 1, 2019) <i>(Amended, effective January 1, 2020)</i></p>

**Proposal Jan. 2020 – No. #8**

<b>Title</b>	<b><i>New LOCAL RULE 2.12 Court Reporter Availability in Civil Actions</i></b>
<b>Summary</b>	Identifying the departments in which the services of official court reporters are or are not normally available in civil actions.
<b>Discussion</b>	As required by Government Code Section 68086 and California Rules of Court, Rule 2.965, the Court adopts local rules identifying the departments in which the services of official court reporters are normally available, and the departments where they are not normally available during regular court hours.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p style="text-align: center;"><i>(a) Unavailable. The services of official court reporters are not normally available during regular court hours for the following civil departments and calendars: Case Management Conferences (other than Complex Civil Litigation), Small Claims actions, Small Claims appeals, Small Claims night court, and Lanterman-Petris-Short Act pretrial conservatorship proceedings.</i></p> <p style="text-align: center;"><i>(b) Available. The services of official court reporters are normally available during regular court hours for all other civil departments and calendars, not identified in subsection (a).</i></p> <p style="text-align: center;"><i>(Adopted, effective January 1, 2020)</i></p>

**Proposal Jan. 2020 – No. #9**

<b>Title</b>	<b><i>New LOCAL RULE 9.12 Court Reporter Availability in Criminal Actions</i></b>
<b>Summary</b>	Identifying the departments in which the services of official court reporters are or are not normally available in criminal actions.
<b>Discussion</b>	As required by Government Code Section 68086 and California Rules of Court, Rule 2.965, the Court adopts local rules identifying the departments in which the services of official court reporters are normally available, and the departments where they are not normally available during regular court hours.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p style="text-align: center;"><i>(a) Unavailability. The services of official court reporters are not normally available during regular court hours for the following criminal departments and calendars: Misdemeanor out-of-custody arraignments, Misdemeanor pretrial conferences, Misdemeanor call jury trial, Misdemeanor disposition/confirm, Misdemeanor domestic violence reviews, Misdemeanor domestic violence pretrial conferences, Misdemeanor Penal Code Section 1370 proceedings, Traffic arraignments, Traffic court trials, Traffic night court, and Misdemeanor cases in collaborative courts such as Military Diversion Court, Drug Court, Treatment Court, Bridges, Pathways and DUI Court.</i></p> <p style="text-align: center;"><i>(b) Available. The services of official court reporters are normally available during regular court hours for all other criminal departments and calendars, not identified in subsection (a).</i></p> <p style="text-align: center;"><i>(Adopted, effective January 1, 2020)</i></p>

**Proposal Jan. 2020 – No. #10**

<b>Title</b>	<b><i>New LOCAL RULE 3.2.2 Law and Motion Hearings</i></b>
<b>Summary</b>	Identifies hearing times for various civil proceedings
<b>Discussion</b>	The Court is changing the schedule for the general civil Law & Motion Department, such that hearings on motions will now be held in the afternoon, and ex parte applications will now be held in the morning. This rule would identify in one place the days and times for hearings held in the various civil Law & Motion calendars.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<b><i>Hearings in the Law &amp; Motion Department are held at 1:30 p.m. Monday through Friday. Hearings in the Department of the Presiding Judge are held at 9:00 a.m. Monday through Friday. Hearings in the Writs and Receivers Department are held at 2:00 p.m. on Thursdays.</i></b>  <b><i>(Adopted, effective January 1, 2020)</i></b>



Proposal Jan. 2020 – No. #11

<b>Title</b>	<b>LOCAL RULE 3.1 Application</b>
<b>Summary</b>	Clarifies that Section 3 of the Local Rules apply to all general civil cases, except for single assigned matters.
<b>Discussion</b>	
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<u>Application</u> The following rules apply in <i>civil</i> cases of unlimited jurisdiction and to cases of limited jurisdiction, except where the Economic Litigation Act provides otherwise, <b><i>and except where the civil action has been assigned for all purposes to a specific judge.</i></b>  (Adopted, effective, January 1, 2000) ( <i>Amended, effective January 1, 2020</i> )

**Proposal Jan. 2020 – No. #12**

	<b>LOCAL RULE 3.2.1 Law and Motion Calendar Matters</b>
<b>Summary</b>	Clarify which matters are heard in each of the various “law and motion” calendars, consistent with existing practices.
<b>Discussion</b>	Set forth in a clearer manner, which matters are heard by the general civil Law & Motion Department versus the Presiding Judge Law & Motion calendar versus the Writs & Receivers calendar.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p><b>Rule 3.2.1 Law and Motion Calendar <i>Matters</i></b></p> <p>All Law and Motion matters in civil actions are heard in the Law and Motion Department except <i>as follows</i>:<del>for the following matters:</del></p> <p>(a)<del>(1)</del> <b><i>All matters in cases</i></b> which have been single assigned to a specific judge will be heard by the assigned judge;</p> <p>(b) <b><i>All post-trial motions shall be heard by the judge who presided over the trial in that civil action, pursuant to Local Rule 3.17;</i></b></p> <p>(c)<del>(2)</del> <b><i>These matters will be heard by the Presiding Judge:</i></b></p> <p>(1) Motions affecting a trial date including preference setting and motions to continue trial, <del>will be heard by the Presiding Judge;</del></p> <p><del>(3)</del> (2) Motions to continue arbitration <del>will be heard by the Presiding Judge;</del></p> <p><del>(4)</del> (3) Motions to designate a case as complex and motions for single assignment of a judge <del>will be heard by the Presiding Judge;</del></p> <p>(4) <b><i>Petitions for name change;</i></b></p> <p>(5) <b><i>Vexatious litigant motions pursuant to CCP Sections 391-391.8</i></b></p> <p>(6) <b><i>Orders for examination and judgment debtor examination proceedings pursuant to CCP Section 708.110 et seq.;</i></b></p> <p>(7) <b><i>Motion to appoint Special Master; and</i></b></p> <p>(8) <b><i>Motion to consolidate actions.</i></b></p> <p>(d) <b><i>These matters will be heard in the Writs and Receivers Department:</i></b></p> <p><del>(5)</del> (1) Writs of mandate and prohibition <del>will be heard by the judge assigned to the Writs and Receivers Calendar;</del></p> <p><del>(6)</del> (2) Orders to show cause re preliminary injunction and other motions seeking imposition of an injunction <del>will be heard by the judge assigned to the Writs and Receivers Calendar;</del></p> <p><del>(7)</del> (3) All proceedings regarding receiverships <del>will be heard by the judge assigned to the Writs and Receivers Calendar; and</del></p> <p>(4) <b><i>All other matters identified in Local Rule 6.20.</i></b></p> <p>(Adopted, effective January 1, 2000)(Amended, effective July 1, 2015) (<b><i>Amended, effective January 1, 2020</i></b>)</p>

**Proposal Jan. 2020 – No. #13**

<b>LOCAL RULE 3.17 Motions After Trial</b>	
<b>Title</b>	<b>LOCAL RULE 3.17 Motions After Trial</b>
<b>Summary</b>	Establish that post-trial motions shall be heard and determined by the trial judge.
<b>Discussion</b>	The trial judge, who is familiar with the trial proceedings in a case, should be the one ruling upon post-trial motions, such as motion for new trial, motion for award of attorneys' fees, motion to tax costs, etc. Filing of such post-trial motions in the general civil Law & Motion Department has created calendar confusion for judges and court staff, and actually resulted in consistent rulings by different departments. This rule amendment is to establish that the trial judge will handle post-trial motions arising from the trial over which he/she presided.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	All motions after trial until judgment is final shall be heard in the department where the case was tried, at a <b>date and</b> time designated by the judge of that department. <i>The judge who presided at the trial shall hear all post-trial motions, including but not limited to motion for new trial, motion to vacate the judgment, motion for judgment notwithstanding the verdict, motion for award of attorneys' fees, or motion to tax costs, but not writs or motions regarding enforcement of judgment pursuant to CCP Sections 680.010 – 724.260. Counsel should contact the trial judge's department directly to schedule a hearing on any post-trial motions.</i>  (Adopted, effective July 1, 1996) (Amended, effective January 1, 2020)

**Proposal Jan. 2020 – No. #14**

<b>Title</b>	<b>LOCAL RULE 3.19 Ex Parte Applications and Orders</b>
<b>Summary</b>	Provides procedure for Law and Motion Ex Parte applications
<b>Discussion</b>	<p>1. The Court is changing the schedule for the general civil Law &amp; Motion Department, such that hearings on motions will now be held in the afternoon, and ex parte applications will now be held in the morning. This rule would identify in one place the days and times for ex partes held in the various civil Law &amp; Motion calendars.</p> <p>2. Set forth in a clearer manner, which ex parte applications are heard by the Presiding Judge versus the Writs &amp; Receivers Judge.</p> <p>3. Identifies that ex parte applications cannot be submitted electronically.</p>
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>(A) Reference CRC Rules 3.1200-3.1207 and 2.306.</p> <p>(B) Time and Place.</p> <p style="padding-left: 40px;">(1) <i>Ex parte applications for all matters in civil actions to be heard in the Law &amp; Motion Department, as set forth in Local Rule 3.2, shall be submitted and heard at 10:00 a.m. Monday through Friday in the Law &amp; Motion Department. The applicant shall pay any ex parte application filing fee due to the Clerk of the Court 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 the Law &amp; Motion Department no later than 10:30 a.m. on the date of the ex parte hearing.</i></p> <p style="padding-left: 40px;">(2) <i>Ex parte applications for all matters to be heard by the Presiding Judge, as set forth in Local Rule 3.2, and any petitions for Civil Harassment or Workplace Violence Temporary Restraining Orders pursuant to CCP Sections 527.6 or 527.8, shall be submitted and heard at 2:00 p.m. Monday through Friday in the Department of the Presiding Judge. Except for ex parte applications seeking Civil Harassment or 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 Presiding Judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department of the Presiding Judge no later than 2:15 p.m. on the date of the ex parte hearing.</i></p> <p style="padding-left: 40px;">(3) <i>Ex parte applications for all matters to be heard in the Writs and Receivers Department, as set forth in Local Rules 3.2 and 6.22, shall be submitted and heard at 2:00 p.m. Monday through Friday by the Writs and Receivers Department. The applicant shall pay any ex parte application filing fee due to the Clerk of the Court prior to presenting the ex parte application to the judge.</i></p> <p><del>Ex parte applications in general civil cases are heard at 2:00 p.m. Monday through Friday. In general all ex parte applications shall be presented in the Law and</del></p>

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~~

~~———— (2) — Motions to continue arbitration;~~

~~———— (3) — Civil Harassment Restraining orders~~

And except for the following, which shall be presented to the Judge assigned to the Writs and Receivers Calendar:

~~———— (1) — Writs of Mandate and Prohibition;~~

~~———— (2) — Temporary Restraining Orders and Orders to Show Cause re Preliminary Injunction.~~

(C) Notice. Reference CRC Rule 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.~~ ***Ex parte applications, ex parte oppositions, and all other ex parte filings must be submitted and filed in paper form, and cannot be electronically filed.***

(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). ***(Amended, effective January 1, 2020)***

**Proposal Jan. 2020 – No. #15**

<b>Title</b>	<b>LOCAL RULE 6.22 Ex Parte Matters</b>
<b>Summary</b>	Clarifies that Temporary Restraining Orders under CCP Section 526 in ex parte matters heard by the Writs & Receivers Judge
<b>Discussion</b>	
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	Rule 6.22 <i>Ex Parte Matters</i> 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, <b><i>including Temporary Restraining Orders under CCP Section 526</i></b> ; and (3) all ex parte matters relating to receivers. See Local Rule 3.19.  (Adopted, effective January 1, 2019) ( <b><i>Amended, effective January 1, 2020</i></b> )

**Proposal Jan. 2020 – No. #16**

<b>Title</b>	<b>LOCAL RULE 2.1 Form of Papers Presented for Filing</b>
<b>Summary</b>	Format of Hard Copy Documents Submitted for Filing
<b>Discussion</b>	Format of original documents presented for filing to allow for immediate interactive scanning of documents
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	Reference, CRC rule 2.100 et seq. <i>Original hard copy documents presented to the clerk for filing shall be submitted bound at the top by a clip or fastener (but not staples).</i>  (Adopted, effective July 1, 1996) (Amended effective January 1, 2000) (Amended, effective January 1, 2007) ( <i>Amended, effective January 1, 2020</i> )

**Proposal Jan. 2020 – No. #17**

**Title LOCAL RULE 1.4 Record On Appeal**

**Summary** Recently, appellants have elected to use a statement on appeal rather than a reporter’s transcript to provide a record of the oral proceedings in the trial court. This proposed change to the local rules seeks to implement an alternative specifically provided for by the California Rules of Court, where such an election causes undue strain on the trial court.

**Discussion** Pursuant to California Rules of Court, rule 8.830(a)(2), with respect to the record on appeal to the appellate division in a civil case, if an appellant wants to raise any issue that requires consideration of the oral proceedings in the trial court, appellant has the option of using a “statement on appeal under rule 8.837.” Likewise, pursuant to California Rules of Court, rule 8.860(a)(2), with respect to the record on appeal to the appellate division in a misdemeanor criminal case, the appellant may use a “statement on appeal under rule 8.869.”

A statement on appeal in both civil appeals and misdemeanor appeals is defined identically: “a summary of the trial court proceedings that is approved by the trial court.” (Cal. Rules of Court, rules 8.837 (civil appeals) and 8.869 (misdemeanor appeals).) When an appellant elects to use a statement on appeal, the election may, in some instances, create an undue strain on the trial court in determining an accurate record on appeal. If an appellant includes an incomplete summary of the record of the oral proceedings in the trial court or even a slightly inaccurate summary of the oral proceeding in the trial court, the trial court may be confronted with the difficult and tedious task of determining what constitutes an accurate rendition of the record of the oral proceedings.

However, with respect to civil appeals, California Rules of Court, rule 8.837(d)(6), and with respect to misdemeanor appeals, California Rules of Court, rule 8.869(d)(6), both provide the trial court with an alternative. These two subdivisions have identical language and both state:

If the trial court proceedings were reported by a court reporter or officially electronically recorded under Government Code section 69957 and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal:

(A) If the court has a local rule for the appellate division permitting the use of an official electronic recording as the record of the oral proceedings, the trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted as the record of these oral proceedings without being transcribed. The court will pay for any copy of the official electronic recording ordered under this subdivision; or



(B) If the court has a local rule permitting this, the trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision.

Currently, there is no local rule permitting the trial court judge either to order the use of an official electronic recording or to order that a transcript be prepared as the record of the oral proceedings. Consequently, the proposed amendment would include these two options in the corresponding local rule so that the trial court judge would have the option to implement either of these two alternatives stated in subdivision (d)(6), where correcting a proposed statement on appeal would be unduly burdensome. Although official electronic recording is not currently implemented, the amendment should include this option at this time so that a further amendment would not be needed if such official electronic recording were implemented in the future. Finally, a designation that appears to be error in the current rule listing the fifth paragraph of subdivision (b) as (b)(6) rather than (b)(5) would be corrected to read “(b)(5).”

**Proposed Changes**  
(insert text of new rule or changes here with track changes)

(a) **Civil Appeals.**

(1) Contents. The “record on appeal” includes the clerk’s transcript or agreed statement (CRC rule 8.830(a)(1)) and may include the reporter’s transcript, an agreed statement, or a settled statement on appeal (CRC rule 8.830(a)(2)). The record shall be designated by notice filed in the trial court. (CRC rule 8.831.) *If the trial court proceedings were reported by a court reporter or officially electronically recorded under Government Code section 69957 and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal:*

*(A) The trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted as the record of these oral proceedings without being transcribed. The court will pay for any copy of the official electronic recording ordered under this subdivision; or*

*(B) The trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision. (CRC rule 8.837(d)(6).)*

(2)-(5)

(b) **Criminal Appeals.**

(1) Contents. The “record on appeal” includes the clerk’s transcript, and may include a reporter’s transcript or statement on appeal (CRC rule 8.860) and exhibits (CRC rule 8.870). *If the trial court proceedings were reported by a court reporter or officially electronically recorded under Government Code section 69957*

*and the trial court judge determines that it would save court time and resources, instead of correcting a proposed statement on appeal:*

*(A) The trial court judge may order that the original of an official electronic recording of the trial court proceedings, or a copy made by the court, be transmitted as the record of these oral proceedings without being transcribed. The court will pay for any copy of the official electronic recording ordered under this subdivision; or*

*(B) The trial court judge may order that a transcript be prepared as the record of the oral proceedings. The court will pay for any transcript ordered under this subdivision. (CRC rule 8.869(d)(6).)*

(2)–(4)

~~(6)~~(5) Burden of Providing the Record. It is the burden of the appellant to insure that the Appellate Division has an adequate record for review pursuant to CRC rules 8.864 through 8.870.

(Adopted, eff. Jan. 1, 2009) (Amended, effective July 1, 2009) (*Amended, effective Jan. 1, 2020*)

**Proposal Jan. 2020 – No. #18**

<b>Title</b>	<b>New LOCAL RULE 6.4.1</b> Court Appointed Special Advocates (CASA) Program
<b>Summary</b>	Guidelines regarding the Court Appointed Special Advocates (CASA) program
<b>Discussion</b>	The proposed Local Rule is required pursuant to the recently amended California Rule of Court, Rule 5.655(b)(2)(E), effective January 1, 2019.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p><i>a) CASA Function</i></p> <p><i>Advocates serve at the pleasure of the Court having jurisdiction over the proceeding in which the advocate has been appointed. In general, a CASA advocate’s functions are as follows:</i></p> <ol style="list-style-type: none"><li><i>(1) To support the child or youth throughout the Court proceedings;</i></li><li><i>(2) To establish a relationship with the child or youth to better understand his or her particular needs and desires;</i></li><li><i>(3) Review available records to better understand the child or youth’s particular needs. Records that shall be available to the CASA advocate include, but are not limited to, records regarding the child or youth’s family history, academic history and school behavior, medical or mental health history;</i></li><li><i>(4) To communicate the child or youth’s needs and desires to the Court in written reports and recommendations;</i></li><li><i>(5) To identify and explore potential resources that will facilitate family preservation and reunification or alternative permanency planning;</i></li><li><i>(6) To provide continuous attention to the child or youth’s situation to ensure that the Court’s plans for the child or youth are being implemented;</i></li><li><i>(7) Attend court hearings;</i></li><li><i>(8) To the fullest extent possible, to communicate and coordinate efforts with the case manager (i.e. probation officer or social worker);</i></li><li><i>(9) To the fullest extent possible, to communicate and coordinate efforts with the child or youth’s attorney(s); and</i></li><li><i>(10) To be informed about the interests of the child or youth in other judicial or administrative proceedings outside juvenile court; report to the juvenile court concerning the same; and, with the approval of the Court, offer his/her services on behalf of the child or youth to such other courts or tribunals.</i></li></ol> <p><i>b) Sworn Officer of the Court</i></p>

***A CASA advocate is a sworn officer of the Court and is bound by these rules. Each advocate shall be sworn in by a superior court judge/referee/commissioner before beginning his or her duties and shall sign a written oath.***

***c) Specific Duties***

***The Court shall, in its initial order of appointment and thereafter in subsequent order(s) as appropriate, specifically delineate the advocate's duties in each case, which may include reviewing the circumstances of the case, interviewing and observing the child/youth and other appropriate records and reports, consideration of visitation rights for the child or youth's grandparents and other relatives, and reporting back directly to the Court as indicated. If no specific duties are outlined by Court order, the CASA advocate shall discharge his/her obligation to the child or youth and the Court in accordance with the general duties set forth in these rules.***

***d) Procedures in Juvenile Justice Cases***

***(1) A request for appointment of a youth advocate in a juvenile justice case may be made orally or in writing in open court or ex parte by the probation officer or any party to the case, or by the Court on its own motion. In the case of a dual status youth who already has a CASA advocate, the CASA advocate will remain assigned to the youth for both juvenile justice and dependency cases. In all other cases, the Court will order the case to be referred to the CASA program for screening.***

***(2) When CASA receives a referral, it shall screen it and, if it determines that the youth is a suitable subject for the appointment of a CASA advocate and, if there is a suitable CASA advocate available for appointment, the Court shall sign the Order Appointing the CASA Advocate.***

***(3) The CASA advocate serves at the pleasure of the Court and the appointment of the CASA advocate may be terminated by the Court.***

***e) Procedures in Dependency Cases (Welfare and Institutions Code Sections 300 et seq.)***

***(1) All children and youth who are dependents of the San Mateo County Superior Court, Juvenile Division, and in compliance with California Rule of Court 5.655, will be referred to the CASA of San Mateo County Program to receive a CASA Advocate. Upon referral of a dependent child or youth, CASA of San Mateo County will receive a copy of all court reports to date for all hearings and other proceedings in all cases in order to place dependent children or youth on the CASA waitlist.***

- (2) In addition to the above process, a request for appointment of a CASA advocate in a dependency case may be made orally or in writing in open court or ex parte by the social worker, dependency attorneys, any party to the case or by the Court on its own motion.*
- (3) When an appropriate CASA advocate has been identified, that person's name shall be submitted to the Court for appointment.*
- (4) The names of children or youth who have been referred to the CASA of San Mateo County Program for assignment of a CASA advocate will be removed from the CASA waitlist when the case is dismissed or when the Court determines that a CASA advocate is no longer needed.*
- (5) The CASA advocate serves at the pleasure of the Court and the appointment of the Child advocate may be terminated by the Court.*
- (6) The San Mateo County CASA program has established an internal process for the submission and investigation of grievances which process shall be followed.*

*f) Release of Information to CASA*

*(1) To Accomplish Appointment*

*To accomplish the appointment of a CASA advocate, the judge/referee/commissioner making the appointment shall sign an order granting the CASA advocate the authority to review specific relevant documents. In addition, the CASA advocate will have the authority to interview parties involved in the case and other persons having significant information relating to the child or youth. The CASA advocate shall have the same authority as any other officer appointed to investigate proceedings on behalf of the Court.*

*(2) Access to Records*

- i. A CASA advocate shall have the same legal right to records relating to the child or youth he/she is appointed to represent as any case manager (social worker or probation officer) with regard to records pertaining to the child or youth held by any agency, school, organization, division or department of the State, physician, surgeon, nurse/other health care provider, psychologist, psychiatrist, mental health provider or law enforcement agency. The CASA advocate shall present his or her identification as a court-appointed advocate to any such record holder in support of his/her request for access to specific records. No consent from the parent or guardian is required for the CASA advocate to have access to any records relating to the child or youth.*

- ii. *The child or youth's case file shall be maintained in the San Mateo CASA office by a custodian of records. No one shall have access to that file except upon approval of the Executive Director of CASA of San Mateo County.*
- iii. *A CASA advocate's personnel file is confidential. No one shall have access to the file or any of its contents except the volunteer, the San Mateo County CASA Executive Director (or his or her designee) and the Juvenile Court Judge of the San Mateo County Superior Court.*

**(3) Report of Child Abuse**

*A CASA advocate is a mandated child abuse reporter with respect to the case to which he/she is appointed.*

**(4) Communication**

*There shall be ongoing, regular communication concerning the child or youth's best interests, current status and significant case developments maintained among the CASA advocate, case manager, child or youth's attorney, attorneys for parents, relatives, foster parents and any therapist for the child or youth.*

**g) Filing and distribution of CASA Court Reports**

- (1) *In any case in which a CASA advocate has been appointed by the Court, the CASA advocate must file and serve written reports to the Court and on the parties and/or their counsel at least two (2) court days before the following hearings: (i) dispositional hearings that have been continued pursuant to Welfare and Institutions Code Section 358(a); (ii) six-month review; (iv) twelve-month review; (v) eighteen-month review; (vi) welfare and institutions 366.26 hearing; and (vii) post-permanency planning reviews.***

*The CASA advocate may also submit reports for any special hearings notice to CASA of San Mateo County and, if submitted, those written CASA reports must be filed and served on the parties and/or their counsel at least two (2) court days before the hearing.*

*If the CASA advocate is appointed before jurisdiction is established under Welfare and Institutions Code section 300 et seq., the CASA advocate may submit a written report to the court for consideration by the court at the jurisdictional hearing. Any such report must be filed and served on the parties and/or their counsel at least two (2) court days before the jurisdictional hearing.*

- (2) *Only parties and their counsel are entitled to receive copies of CASA reports prepared in connection with pending hearings. De facto parents are entitled to receive copies of CASA reports only if there is a court order directing distribution of the report to the de facto parents. Relatives, foster parents and service providers are not***

*entitled to receive copies of CASA reports in the absence of a specific court order.*

*(3) CASA court reports shall be copied and distributed by CASA of San Mateo County staff.*

*h) Right to Timely Notice*

*The CASA advocate shall be properly and timely noticed for all proceedings held in case to which the CASA advocate has been appointed.*

*i) Calendar Priority*

*Because CASA advocates are rendering a volunteer service to children, youth and the Court, matters on which they appear should be granted priority on the Court's calendar, whenever possible.*

*j) Visitation Throughout Dependency*

*CASA advocates shall have the right to regular unsupervised contact with the child or youth until the dependency case is dismissed.*

*k) Right to Appear*

*A CASA advocate shall have the right to be present and heard at all court hearings and shall not be subject to exclusion. A CASA advocate shall not be deemed to be a "party," as described in Title 3 of Part II of the Code of Civil Procedure. However, the court, in its discretion, shall have the authority to grant the CASA advocate amicus curiae status, which includes the right to appear with counsel.*

*(Adopted, effective January 1, 2020)*

**Proposal Jan. 2020 – No. 19**

<b>Title</b>	<b>LOCAL RULE 5.13 – Family Court Services</b>
<b>Summary</b>	Amended rule removes reference to scheduling in person parenting orientation through the website; and offers in person orientation upon request due to disability or language barrier.
<b>Discussion</b>	Currently Family Court Services is offering both in person and online parenting orientations. The in person option is not being utilized by litigants on a regular basis. Over 8 recent sessions, attendance was 5 people total, for an average of less than one person per session. Family Court Services will continue to offer in person orientations as needed, but having standing pre-scheduled sessions is no longer an efficient way of offering this service.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>Rule 5.13 Family Court Services</p> <p>A. Mediation Required: Whenever custody or visitation are in dispute, the parties are required by Family Code §3170 to participate in court ordered mandatory mediation with either Family Court Services or a private mediator retained by the parties. Family Court Services (FCS) provides mediation also called “child custody recommending counseling” without charge to help parties resolve disagreements about the care of their child(ren). The child custody recommending counselor will meet with both parties in mediation to help them make a parenting plan. If the parties are unable to reach an agreement, the child custody recommending counselor will give a written recommendation about the parenting plan to the court.</p> <p>B. Location of Family Court Services</p> <ol style="list-style-type: none"><li>1. Family Court Services is located on the 6th floor of the Hall of Justice and Records, 400 County Center, Redwood City, California. Phone number: 650 261-5080.</li><li>2. Setting an appointment with Family Court Services: If a Request for Order concerns custody or visitation and FCS mediation also called “child custody recommending counseling” appears necessary, the moving party, or their attorney, must contact FCS the first court day after the moving papers are filed and served to schedule an appointment. If the responding party determines that a custody or visitation dispute exists, which is not set forth in the moving papers, the responding party is responsible for scheduling the earliest possible FCS appointment and promptly <del>notify</del> <i>notifying</i> the moving party of the time and date for the meeting. (Providing the requested relief is available pursuant to Family Code section 213).</li><li>3. Parent Orientation Workshop: All parties filing a Request for Order related to custody and visitation of minor children are required to complete a parent orientation workshop prior to their FCS appointment. Parties can meet this requirement by:</li></ol>



a) Viewing the Orientation and Parent Handbook online at [www.sanmateocourt.org/fcs](http://www.sanmateocourt.org/fcs). Parties are required to bring their certificate of completion to their appointment.

b) ***The Parent Orientation Workshop is offered online as a convenience to the parties. However, if due to disability or language barrier a party prefers to attend an in person Parent Orientation Workshop, they may call FCS at 650-261-5080. Any party with limited computer access may call FCS at 650-261-5080 for a list of options to access the online Parent Orientation Workshop at a Court or community location.***

~~Parties may attend the Family Court Services Parent Orientation in person at the Court by calling FCS at 650 261 5080 or register on line at~~

~~<http://www.sanmateocourt.org/court-divisions/family-court-services/signup.php>~~

4. Failure to Appear at Family Court Services Appointment: Family Court Services will impose a fine of \$100 on a party who receives reasonable notice of the appointment at FCS and fails to appear without good cause or who cancels within two court business days of the appointment. The Court may order additional sanctions. [Remainder of rule omitted (part B. sections 5-14 and part C.). No changes requested to these portions.]

(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) (Amended, effective January 1, 2011).(Amended, effective January 1, 2012) (Amended, effective January 1, 2013) (Amended, effective July 1, 2013) (Amended, effective January 1, 2014)(Amended, effective January 1, 2016) (Amended, effective July 1, 2018) (***Amended, effective January 1, 2020.***)

**Proposal Jan. 2020 – No. 20**

<b>Title</b>	<b>LOCAL RULE 5.15 – Family Law Facilitator’s Duties</b>
<b>Summary</b>	Amended rule provides complaint procedure and informs customers that if there is a conflict, staff may need to recuse themselves from working on their case.
<b>Discussion</b>	Change incorporates existing procedures into the Local Rules for increased transparency.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>Rule 5.15 Family Law Facilitator’s Duties</p> <p>A. Pursuant to Family Code Section 10000 et seq., the San Mateo County Superior Court shall maintain an office of the Family Law Facilitator. Services provided by the Family Law Facilitator shall include, but are not limited to:</p> <ol style="list-style-type: none"><li>1. Providing educational materials to parents concerning the process of establishing parentage and establishing, modifying, and enforcing child support and spousal support in the courts;</li><li>2. Distributing necessary court forms and voluntary declarations of paternity;</li><li>3. Providing assistance in completing forms;</li><li>4. Preparing support schedules based upon statutory guidelines; and</li><li>5. Providing referrals to the local child support agency, family court services, and other community agencies and resources that provide services for parents and children.</li></ol> <p>B. Provided that they have adequate staffing, time, funding and available resources, the Family Law Facilitator may:</p> <ol style="list-style-type: none"><li>1. Meet with parties to assist in resolution of issues of child support, spousal support, and maintenance of health insurance, subject to Family Code §10012</li><li>2. Draft stipulations on any issues agreed to by the parties.</li><li>3. Prior to or at the hearing, and at the request of the court, review the paperwork, examine documents, prepare support schedules, and advise the judge whether the matter is ready to proceed;</li><li>4. Assist the clerk in maintaining records;</li><li>5. Prepare formal orders after hearing where both parties are self-represented.</li></ol> <p>C. Self-represented parties (pro pers) in family law cases are encouraged to meet with the Family Law Facilitator located at the Hall of Justice and Records, 400 County Center, Redwood City, California <i>or at 1050 Mission Road, South San Francisco, California</i> prior to filing any</p>

documents or pleadings with the Court. If the matter to be addressed is child and/or spousal support, parties shall bring with them the following documents to their meeting with the Family Law Facilitator:

1. Three (3) recent wage stubs
2. The last IRS Form 1040, 1040A or 1040EZ
3. Filed, completed Income and Expense Declarations, and
4. Receipts for childcare and medical expenses.

If a party is self-employed, that party shall bring:

1. His/her most recent tax return,
2. Quarterly profit and loss statements,
3. Financial statements for the past 12 months; and
4. Proof of reasonable and necessary expenses of the business for the past 12 months.

D. Pursuant to Family Code Section 10013, the Family Law Facilitator shall not represent any party. No attorney-client relationship is created between a party and the family law facilitator as a result of any information or services provided to the party by the family law facilitator. The absence of an attorney- client relationship means that communications between the party and the family law facilitator are not privileged and that the family law facilitator may provide services to the other party. ***Pursuant to CRC 5.430(f), if for reasons other than the services previously provided through the Family Law Facilitator's office, the facilitator deems himself or herself disqualified or biased, the Family Law Facilitator's office will follow their conflict protocol to provide the customer with options for assistance.***

***E. Pursuant to CRC 5.430(g), feedback regarding the Family Law Facilitator's Office may be submitted on the Customer Feedback Form. This form is available on the Court's website or in-person at the Family Law Facilitator's Office. All positive comments, complaints, and suggestions will be reviewed by the supervisor and/or the Managing Attorney.***

(Adopted, effective January 1, 2000)(Amended, effective January 1, 2004)  
(Amended, effective January 1, 2020.)

**Proposal Jan. 2020 – No. 21**

<b>Title</b>	<b>LOCAL RULE 2.3 – New Case Management</b>
<b>Summary</b>	Amended rule corrects URL. Removes reference to ADR Coordinator, as that position does not currently exist.
<b>Discussion</b>	Minor update based on changes to website and staffing of ADR program.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>[Sections A-G omitted. No changes requested to these sections.]</p> <p>H. Stipulations to Private ADR</p> <p>[Sections (1)-(5) omitted. No changes requested to these sections.]</p> <p>(6) ADR Program Complaint Policy If mediation session participants have a concern about the mediation process or the conduct of a mediator affiliated with the court’s program, the court encourages them to speak directly with the mediator first. In accordance with California Rules of Court §3.865 et seq., parties may also address written complaints, referencing the specific Rule of Court allegedly violated, to the Court’s Civil ADR Program <del>Coordinator</del>. (For complete complaint procedure guidelines, see court web site: <a href="https://www.sanmateocourt.org/court_divisions/adr/civil/">https://www.sanmateocourt.org/court_divisions/adr/civil/</a> <del><a href="https://www.sanmateocourt.org/adr/civil/">www.sanmateocourt.org/adr/civil</a></del>)</p> <p>[Section (7) omitted. Sections I. – L. omitted. No changes requested to these sections.]</p> <p>(Adopted, effective July 1, 1996)(Amended, effective January 1,2000) (Amended, effective January 1, 2003) (Amended effective July 1, 2003) (Amended, effective January 1, 2005)(Amended, effective January 1, 2006) (Amended, effective January 1, 2007) (Amended, effective January 1, 2010)(Amended, effective July 1, 2017) (<i>Amended, effective January 1, 2020.</i>)</p>

**Proposal Jan. 2020 – No. 22**

<b>Title</b>	<b>LOCAL RULE 4.76 Temporary Conservatorships</b>
<b>Summary</b>	Clarifies and updates language about process for temporary conservatorships.
<b>Discussion</b>	<p>The current language "...for review of the documents by the Court Investigator be made before submission to the clerk" gives the appearance that the Court Investigator reviews unfiled documents for content and thoroughness prior to filing. In particular, it gives the impression that the Court Investigator will help the petitioner fill out the forms. The current language has also led to confusion since it states that the Court Investigator will review documents prior to the filing of the documents.</p> <p>Furthermore, the current language "...a recommendation will be made to the Court, which will accompany the petition to be presented to the judicial officer" is outdated. Many years ago, the Office of Court Investigations used an internal screening form that was filled out by the Court Investigator and was accompanied by a brief, typed synopsis of the petition and included a recommendation for approval or denial of the petition. This form is no longer used.</p> <p>The amended language provides specific, step-by-step instructions for the process of filing petitions for temporary conservatorships. The suggested change replaces the use of the word "review" with the word "screening" to make clear the role of the Court Investigator upon submission of a petition for temporary conservatorship.</p>
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>[A. omitted, no changes requested]</p> <p>B. Prior Review and Filing</p> <p>(1) Both temporary and permanent conservatorship petitions and subsequent filings must be filed at the Probate Clerk's office before presentation to the Court. All filings regarding conservatorships must be accompanied by an original and two copies.</p> <p>(2) All petitions for temporary conservatorships must be <i>filed in the Probate Clerk's Office before it is screened by the Court Investigator's Office. After the Court Investigator screens the petition, the Court Investigator will present the petition to the judicial officer for review and ruling. It is recommended that an appointment for screening of the petition by the Court Investigator be made by calling 650-261-5068.</i></p> <p><del>submitted to the Probate Clerk's Office for review by the Court Investigator's Office prior to it being presented to the judicial officer for review. It is recommended that an appointment for review of the documents by the Court Investigator be made before submission to the clerk by calling 650-261-5068. After the Court Investigator's review of the papers, a</del></p>

~~recommendation will be made to the Court that will accompany the petition to be presented to the judicial officer for review and ruling.~~

[C.-F. omitted, no changes requested]

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)(Amended, effective July 1, 2006) (Amended, effective January 1, 2007) (Amended, effective January 1, 2009) (Amended, effective July 1, 2009), (Amended, effective January 1, 2012) (*Amended, effective January 1, 2020*).

**Proposal Jan. 2020 – No. 23**

<p align="center"><b>Title</b></p>	<p><b>LOCAL RULE 4.77.14 Temporary Guardianship - Emergency Situations Only</b></p>
<p align="center"><b>Summary</b></p>	<p>Clarifies and updates language about process for temporary guardianships.</p>
<p align="center"><b>Discussion</b></p>	<p>The current language "...for review of the documents by the Court Investigator be made before submission to the clerk" gives the appearance that the Court Investigator reviews unfiled documents for content and thoroughness prior to filing. In particular, it gives the impression that the Court Investigator will help the petitioner fill out the forms. The current language has also led to confusion since it states that the Court Investigator will review documents prior to the filing of the documents.</p> <p>Furthermore, the current language "...a recommendation will be made to the Court, which will accompany the petition to be presented to the judicial officer" is outdated. Many years ago, the Office of Court Investigations used an internal screening form that was filled out by the Court Investigator and was accompanied by a brief, typed synopsis of the petition and included a recommendation for approval or denial of the petition. This form is no longer used.</p> <p>The amended language provides specific, step-by-step instructions for the process of filing petitions for temporary guardianships. The suggested change replaces the use of the word "review" with the word "screening" to make clear the role of the Court Investigator upon submission of a petition for temporary guardianship.</p>
<p><b>Proposed Changes</b> (insert text of new rule or changes here with track changes)</p>	<p>[A.-D. omitted, no changes requested]</p> <p>E. Filing and Prior Review of Documents</p> <ol style="list-style-type: none"> <li>1. All documents shall be filed with the Court Clerk’s Office, Room A, at the Probate counter at 400 County Center, 1st floor, Redwood City.</li>   <li>2. All petitions for temporary guardianship must be <i>filed in the Probate Clerk’s Office before it is screened by the Court Investigator’s Office. After the Court Investigator screens the petition, the Court Investigator will present the petition to the judicial officer for review and ruling. It is recommended that an appointment for screening of the petition by the Court Investigator be made by calling 650-261-5068.</i>  <del>submitted to the Probate Clerk’s office for review by the Court Investigator’s office prior to it being presented to the judicial officer for review. It is recommended that an appointment for review of the documents by the Court Investigator be made before submission to the clerk for filing by calling (650) 261-5068. After the Court Investigator’s review of the papers, a recommendation will be made to the Court, which will accompany the petition to be presented to the judicial officer for</del> </li> </ol>

~~review and ruling-~~

[F.-H. omitted, no changes requested]

(Adopted, effective July 1, 2004 ) (Amended, effective July 1, 2005) (Amended, effective July 1, 2006) (Amended, effective January 1, 2009) (Amended, effective July 1, 2009)(Amended, effective January 1, 2011) (Amended, effective January 1, 2014) (*Amended, effective January 1, 2020*).