



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

March 25, 2024

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective July 1, 2024. 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 section and paragraph number on which you are commenting and your comment.

Comments must be received by no later than **Monday, May 13, 2024 at 4:30 P.M.**

Sincerely,  
Neal Taniguchi, Court Executive Officer

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

By: Blake Cox  
Court Rules Committee Staff

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN MATEO**

**CARE ACT PROCEEDINGS OF:**

Case No.:

**ORDER AFTER CARE PLAN REVIEW  
HEARING**

Respondent

Judge:

Dept:

This matter came on for CARE PLAN REVIEW HEARING on \_\_\_\_\_, 20\_\_.

Petitioner's appearance:

- BHRS is present.
- BHRS is not present.

Respondent's appearance:

- Respondent is present.
- Respondent appears through counsel.
- Respondent is not present.
- Reasonable attempts to encourage Respondent to appear have been made and proceeding without Respondent is in Respondent's best interest.
- Respondent did not receive notice.

Respondent received notice at least 5 days prior to the hearing by:

- Personal service.
- Counsel accepted service.
- Service by mail.
- Electronic service.
- Notice and acknowledgement of receipt.
- Other service approved by the court.

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The Court finds:

- Petitioner presented a proposed CARE plan.
- Respondent presented a proposed CARE plan.
- By clear and convincing evidence, Respondent lacks the capacity to give informed consent to the stabilization medications in the CARE plan.

The Court orders:

- The CARE plan is approved and adopted by the Court
  - as stated on the record.
  - as stated in the attached document.
- Respondent must comply with the stabilization medication described in the CARE plan.
- The matter is set for status review hearing on \_\_\_\_\_, 20\_\_
- The matter is set for one-year status hearing on \_\_\_\_\_, 20\_\_ (during 11th month from today)
- OR-
- The care plan review hearing is continued to \_\_\_\_\_, 20\_\_ (within 14 days).
- Petitioner must file and serve a supplemental report by \_\_\_\_\_, 20\_\_.

IT IS SO ORDERED.

Date: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court



**SUPERIOR COURT OF SAN MATEO COUNTY**

Southern Branch  
400 County Center, 4<sup>th</sup> Floor  
Redwood City, CA 94063

FOR COURT USE ONLY

**PETITIONER**

San Mateo County Behavioral Health and Recovery Services  
VS

**RESPONDENT:**

Address:

Phone:

Email:

Criminal Case Number(s):

**AUTHORIZATION TO SHARE CARE ACT INFORMATION WITH DEFENSE COUNSEL**

CARE Act Case Number:

Defense Attorney Name and Bar Number:

CARE Act Attorney Name and Bar Number:

Address:

Address:

Phone:

Phone:

Email:

Email:

I hereby authorize the attorney representing me in CARE Act proceedings to discuss my case and release any relevant information to the attorney representing me in my pending criminal case(s). This authorization shall remain in effect during my term of participation in CARE Act proceedings.

I further authorize my defense attorney to represent to the court that I am involved in CARE Act Proceedings and inform the court about what stage of proceedings my case is in.

I understand that I have a right to confidentiality in CARE Act proceedings and may revoke this authorization at any time.

\_\_\_\_\_  
CARE Act Respondent Signature

\_\_\_\_\_  
Date

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF SAN MATEO**

The People of the State of California,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
	)	Case Number _____
	)	
Defendant.	)	Department _____

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**ORDER PURSUANT TO PENAL CODE SECTION 1210.1**

As evidenced by a Proposition 36 completion certificate from a drug treatment program provider, the defendant has successfully completed treatment as ordered and has substantially complied with the conditions of probation. ~~There is reasonable cause to believe that the defendant will not abuse controlled substances in the future.~~

It is therefore hereby ordered that pursuant to the provisions of Penal Code Section 1210.1(e)(1), the conviction for \_\_\_\_\_ of the \_\_\_\_\_ Code dated \_\_\_\_\_ shall be set aside and the complaint or information against the defendant dismissed.

It is further ordered that except as provided in paragraphs (2) or (3) of Penal Code section 1210.1(e)(1), both the arrest and the conviction shall be deemed to never have occurred and except as provided in paragraphs (2) or (3) of Penal Code section 1210.1(e)(1), the defendant is released from all penalties and disabilities resulting from the instant offense.

Any outstanding fine balance will remain with Revenue Services for collection, pursuant to Section 1214.2(b)(2) and/or 1214(b) of the Penal Code.

DATE: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE JUDGE OF THE ABOVE  
ENTITLED COURT

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO</b> <input type="checkbox"/> Hall of Justice 400 County Center Redwood City, CA 94063		<input type="checkbox"/> Northern Division 1050 Mission Road South San Francisco, CA 94080	
<b>THE PEOPLE OF THE STATE OF CALIFORNIA</b>  vs.		<b>PLAINTIFF</b>  <b>DEFENDANT</b>	
<b>DECLARATION CONCERNING A PLEA OR CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; FINDING AND ORDER (FELONY)</b>			<b>Case Number</b>

I, the above named defendant in the above-entitled criminal action, and in support of my motion, which will be made in open court personally and by my attorney,  to plead  to change my plea(s) to  guilty  nolo contendere

1. My attorney, in this action is: \_\_\_\_\_

2. I am charged in the \_\_\_\_\_ in this action with having violated \_\_\_\_\_ (code, section(s), count(s))

3. I desire to  plead  change my plea(s) to  **guilty** /  **nolo contendere** to \_\_\_\_\_ (state code, section(s) and count(s), including lesser offense(s) to which plea is to be made)

4. I  **do** /  **do not** understand the nature of the charge(s) against me.

5. I  **have** /  **have not** discussed the nature of the charge(s) against me and the possible defenses thereto with my attorney.

6. My attorney  **has** /  **has not** explained my constitutional rights to a trial by jury, to confront witnesses against me, the process of the Court to compel the attendance of witnesses on my behalf, the right to remain silent or, if I so choose, to testify for myself.

7. I  **do** /  **do not** realize that I give up these rights by pleading guilty or nolo contendere.

I understand that a plea of nolo contendere has the same legal effect as a plea of guilty.

8. I understand:

- a. that I am prohibited from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition and ammunition feeding devices, including but not limited to magazines.
- b. that I am required to fill out a Prohibited Persons Relinquishment Form (PPRF) truthfully and in a timely manner.
- c. that I shall relinquish all firearms in accordance with procedures detailed in the PPRF.
- d. that I am prohibited from possessing, owning or purchasing body armor, pursuant to PC31360.**

9. I understand that if I am not a citizen, conviction of the offense for which I have been charged **will** have the consequences of deportation, exclusion from admission to the United States or a denial of naturalization.

10. My decision to  change my plea(s) to  plead  **guilty** /  **nolo contendere**  **has** /  **has not** been made freely and voluntarily, without threat or fear to me or anyone closely related to or associated with me.

**CHANGE OF PLEA FORM -FELONY**

11. My attorney  **has** /  **has not** explained that the maximum penalty, including penalty assessments, that could be imposed as a result of my plea (s) of guilty or nolo contendere is
12. I  **have** /  **have not** been induced to plead guilty or nolo contendere by any promise or representation of a lesser sentence, probation, reward, immunity or anything else except:
13. I  **do** /  **do not** waive my right to be sentenced by the judge taking my plea and understand sentencing may occur before another judge.
14. I  **do** /  **do not** understand that the matter of probation and sentence is to be determined solely by the Court and will not be decided until the report and recommendation by the Probation Department has been considered.

The Court reserves the right to withdraw its consent to any sentence limitation agreement, and in that event, I will be permitted to withdraw my plea (s) of guilty or nolo contendere and all charges will be reinstated.

EXECUTED IN San Mateo County, California on:

\_\_\_\_\_  
(Defendant's Signature)

\_\_\_\_\_ states that he/she is the above named defendant's attorney in the above entitled action he/she personally read and explained the contents of the above declaration to the defendant he/she personally observed the defendant fill in date and sign said declaration he/she after having investigated this case and the possible defenses thereto, concurs in the defendants plea(s) of guilty or nolo contendere to the charge(s) as set forth by the defendant in the above declaration and stipulates there is a factual basis for the plea(s).

DATED: \_\_\_\_\_  
\_\_\_\_\_  
(Attorney's Signature)

**INTERPRETER CERTIFICATION (if applicable):**

I certify that I have been sworn or have a written oath on file and that I well and truly translated the entire contents of this form to the defendant into  Spanish  Other (specify): \_\_\_\_\_  
The defendant stated to me that he/she understands the contents of this form, and then he/she initialed and signed the form.

DATED: \_\_\_\_\_  
\_\_\_\_\_  
(Interpreter's Signature)

The people of the State of California plaintiff in the above-entitled criminal action, by and through its attorney, concur and stipulate there is a basis for the plea.

DATED: \_\_\_\_\_ STEPHEN WAGSTAFFE, DISTRICT ATTORNEY

By \_\_\_\_\_  
Deputy Assistant District Attorney

**FINDINGS AND ORDER**

The defendant personally and by his her attorney in open court having this date entered a plea of  guilty  nolo contendere, and having been advised as to his her rights, said plea is hereby accepted and ordered entered. The Court finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights, and that a factual basis exists for such plea(s).

DATED: \_\_\_\_\_  
\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT  
 JUDGE PRO TEM OF THE SUPERIOR COURT

<b>CORTE SUPERIOR DE CALIFORNIA, CONDADO DE SAN MATEO</b> <input type="checkbox"/> Hall of Justice 400 County Center Redwood City, CA 94063		<input type="checkbox"/> Northern Division 1050 Mission Road South San Francisco, CA 94080
<b>EL PUEBLO DEL ESTADO DE CALIFORNIA</b>  v.		
<b>DEMANDANTE</b>  <b>ACUSADO</b>		
<b>DECLARATORIO SOBRE UNA DECLARACIÓN O CAMBIO DE DECLARACIÓN A CULPABLE O NO Oponerse A LOS CARGOS; DETERMINACIONES Y ORDEN (DELITO GRAVE)</b>		<b>Número de caso</b>

Yo, el acusado nombrado más arriba en el caso penal precedente, y en respaldo de mi moción, que se hará en plena corte con mi presencia y por medio de mi abogado para  declararme  cambiar mi(s) declaración(es) a:  
 culpable  no oponerme a los cargos

1. Mi abogado en este caso es: \_\_\_\_\_

2. Me han acusado en \_\_\_\_\_ en este caso de habercontravenido  
\_\_\_\_\_ (código, sección(es), cargo(s))

3. Quiero  declararme  cambiar mi(s) declaración(es) a **culpable / no oponerme a los cargos** de contravenir \_\_\_\_\_ (código estatal, sección(es) y cargo(s), incluyendo la(s) infracción(es) menor(es) que admitiré)

4. Yo **comprendo / no comprendo** la naturaleza del/de los cargo(s) en mi contra.

5. Yo **he / no he** hablado con mi abogado sobre la naturaleza del/de los cargo(s) en mi contra y las posibles defensas.

6. Mi abogado **me ha / no me ha** explicado mis derechos constitucionales a tener un juicio por jurado, a confrontar a testigos en mi contra, el proceso de la corte para obligar la comparecencia de testigos en mi nombre, el derecho a guardar silencio o, si lo deseo, de testificar personalmente.

7. Yo **reconozco / no reconozco** que al declararme culpable o no oponerme a los cargos estaré renunciando a estos derechos.  
Comprendo que una declaración de no oponerme a los cargos tiene el mismo efecto legal que declararme culpable.

8. Comprendo que:

- a. tengo prohibido ser dueño de, comprar, recibir, poseer o tener bajo mi custodia o control cualquier tipo de arma de fuego, municiones y dispositivos de almacenamiento de municiones, incluyendo pero sin ser limitado a cargadores.
- b. tengo la obligación de llenar un *Formulario de entrega de armas de fuego por parte de personas prohibidas* (PPRF) honesta y oportunamente.
- c. deberá entregar toda arma de fuego de la manera indicada en el PPRF.
- d. **se me prohíbe poseer, ser dueño o comprar equipo de protección corporal según lo establece la sección 31360 del cordigo penal.**

9. Comprendo que si no soy ciudadano, una condena de la infracción de la cual se me acusa **resultará** en mi deportación, exclusión de mi ingreso a los Estados Unidos o denegación de naturalización.

10. Mi decisión de  cambiar mi(s) declaración(es) a  **culpable / no oponerme a los cargos** **ha / no ha** sido tomada libre y voluntariamente, sin amenazas o miedo hacia mi persona o cualquier otra persona cercana o asociada a mí.



11. Mi abogado **me ha** / **no me ha** explicado que la máxima pena, incluyendo tasas y multas que se podrían imponer como consecuencia de mi(s) declaración(es) de culpable o no oponerme a los cargos, es de

12. Yo **he** / **no he** sido inducido a declararme culpable o no oponerme a los cargos debido a una promesa o representación de una sentencia más leve, condena condicional, recompensa, impunidad o cualquier otra cosa, excepto:

13. Yo **renuncio** / **no renuncio** a mi derecho a ser sentenciado por el juez que acepta mi declaración y comprendo que la sentencia puede estar a cargo de otro juez.

14. Yo **comprendo** / **no comprendo** que la condena condicional o sentencia será determinada exclusivamente por la corte y que no será decidida hasta que se haya considerado el informe y la recomendación del Departamento de Condena Condicional.

La corte se reserva el derecho de retirar su consentimiento a cualquier acuerdo de limitación de sentencia; y, en ese caso se me permitirá retirar mi(s) declaración(es) de culpable o no oponerme a los cargos y todos los cargos se restaurarán.

FIRMADO en el condado de San Mateo, California el \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
(Firma del acusado)

\_\_\_\_\_ states that he/she is the above named defendant's attorney in the above entitled action he/she personally read and explained the contents of the above declaration to the defendant he/she personally observed the defendant fill in date and sign said declaration he/she after having investigated this case and the possible defenses thereto, concurs in the defendants plea(s) of guilty or nolo contendere to the charge(s) as set forth by the defendant in the above declaration and stipulates there is a factual basis for the plea(s).

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Attorney's Signature)

**INTERPRETER CERTIFICATION (if applicable):**

I certify that I have been sworn or have a written oath on file and that I well and truly translated the entire contents of this form to the defendant into  Spanish  Other (specify): \_\_\_\_\_

The defendant stated to me that he/she understands the contents of this form, and then he/she initialed and signed the form.

DATED: \_\_\_\_\_

\_\_\_\_\_  
(Interpreter's Signature)

The people of the State of California plaintiff in the above-entitled criminal action, by and through its attorney, concur and stipulate there is a basis for the plea.

DATED: \_\_\_\_\_

STEPHEN WAGSTAFFE, DISTRICT ATTORNEY

By \_\_\_\_\_  
Deputy Assistant District Attorney

**FINDINGS AND ORDER**

The defendant personally and by his her attorney in open court having this date entered a plea of  guilty  nolo contendere, and having been advised as to his her rights, said plea is hereby accepted and ordered entered. The Court finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights, and that a factual basis exists for such plea(s).

DATED: \_\_\_\_\_

\_\_\_\_\_  
 JUDGE OF THE SUPERIOR COURT  
 JUDGE PRO TEM OF THE SUPERIOR COURT

<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO</b> <input type="checkbox"/> Hall of Justice <input type="checkbox"/> Northern Division 400 County Center                      1050 Mission Road Redwood City, CA 94063              South San Francisco, CA 94080	
<b>THE PEOPLE OF THE STATE OF CALIFORNIA</b>   <b>PLAINTIFF</b>  vs.  <b>DEFENDANT</b>	
<b>DECLARATION CONCERNING A PLEA OR CHANGE OF PLEA TO GUILTY OR NOLO CONTENDERE; FINDING AND ORDER (MISDEMEANOR)</b>	<b>Case Number</b>

1. I, the above-named defendant in this criminal action, understand the nature of the charges against me.
2. I understand that I have a right to be represented by an attorney at all stages of the proceedings and if I can't afford an attorney, to have the Court appoint one.

**[CHECK ONE ONLY]**

- I hereby give up the right to be represented by an attorney.
  - My attorney is present and I have discussed the charges and possible defenses with my attorney.
  - I hereby give up my right to be personally present at all stages of the proceedings and authorize my attorney to appear on my behalf and enter a plea of guilty or nolo contendere. I have previously discussed the charges and the possible defenses thereto with my attorney.
3. **I HEREBY GIVE UP THE FOLLOWING RIGHTS:**
    - A. The right to a trial and specifically the right to a trial by jury.
    - B. The right to use the power of the Court to subpoena witnesses and present evidence on my behalf, including my right to testify on my own behalf.
    - C. The right to confront and cross-examine the witnesses against me.
    - D. The right against self-incrimination, which means the right not to testify against myself.
  4. My decision to plead guilty or nolo contendere has been made freely and voluntarily without threat or fear to me or anyone closely related to or associated with me. There have been no promises to me of rewards, immunity, probation, or anything else to induce my plea of guilty or nolo contendere, except:

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5. I understand that the maximum penalty which may be imposed is as indicated below:

COUNT NUMBER AND CHARGE	MINIMUM / MAXIMUM PENALTY
<input type="checkbox"/> If this box is checked, I am charged with Section 23103 under 23103.5 of the Vehicle Code.	<b>No Probation:</b> not less than 5 nor more than 90 days in County Jail or a fine of not less than \$145 nor more than \$1,000 (plus assessments) or both fine and imprisonment. <b>Probation Granted:</b> not less than 5 nor more than 90 days in County Jail or a fine of not less than \$145 nor more than \$1,000 (plus assessments) or both fine and imprisonment and participation in and completion of, at a minimum, the educational component of an alcohol and drug education program.

I understand that if I am charged with 23103 under 23103.5 of the Vehicle Code, a plea of guilty/nolo contendere to that charge will be considered a prior conviction to enhance the penalties under Vehicle Code Sections 23152 and/or 23153 if the commission of said offense(s) occurs within ten (10) years of the commission of this offense.

6. **I understand** that I will be ordered to make restitution to the victim, if the offense involved a victim, and that the restitution order shall be enforceable as a civil judgment. I understand that a restitution fine of not less than \$100 or more than \$1,000 will also be imposed.

7. **If applicable, I understand:**
- a. that I am prohibited from owning, purchasing, receiving, possessing, or having under my custody or control any firearms, ammunition and ammunition feeding devices, including but not limited to magazines. \_\_\_\_ (initial)
  - b. that I am required to fill out a Prohibited Persons Relinquishment Form (PPRF) truthfully and in a timely manner. \_\_\_\_ (initial)
  - c. that I shall relinquish all firearms in accordance with procedures detailed in the PPRF. \_\_\_\_ (initial)
  - d. **that I am prohibited from possessing, owning or purchasing body armor, pursuant to PC31360.** \_\_\_\_ (initial)
8. **If applicable, I understand** that, if I am subsequently convicted of a misdemeanor violation of Vehicle Code sections 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, or 14601.5, pursuant to Vehicle Code section 14607.6 a motor vehicle is subject to forfeiture as a nuisance if it is driven on a highway by driver with a suspended or revoked license, or by an unlicensed driver who is the registered owner of the vehicle who has a previous misdemeanor conviction of any one of these sections. \_\_\_\_ (initial)
9. **If applicable, I understand** that if I am convicted of a violation of Vehicle Code section 14601.2, the Court will require me to install an ignition interlock device (IID) on any vehicle that I own or operate for a period of up to three years. Installation of this device, which prevents the vehicle from starting if I have alcohol in my body, **DOES NOT AUTHORIZE ME TO DRIVE WITHOUT A VALID DRIVER'S LICENSE.** Failure to install the IID shall result in the suspension of my driver's license by the DMV. \_\_\_\_ (initial)
10. **Non-US Citizen** – I understand that if I am not a citizen, conviction of the offense with which I have been charged **may** have the consequences of deportation, exclusion from admission to the United States, or denial of naturalization or amnesty, pursuant to the laws of the United States. [PC § 1016.5]
11. **I understand** that I have the right to enter my plea before, and be sentenced by a Judge. I give up this right and agree to enter my plea before, and be sentenced by: \_\_\_\_\_, a Judge Pro Tempore (Temporary Judge).
12. I understand that I have the right to be sentenced by the same judge who takes this plea if the case is continued for sentencing, and hereby  Give up that right  Do not give up that right.

**I have read and fully understand all of the rights set forth above.** With that in mind, I freely and voluntarily waive (give up) those rights as indicated. I have read and understand the charges and special allegations made against me, and I have read and understand the penalties and other consequences of a conviction for those offenses. With these consequences in mind, I freely and voluntarily enter a plea of (check one):

**GUILTY**  **NOLO CONTENDERE** to section(s):

EXECUTED IN San Mateo County, California on \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Defendant's Signature

**ATTORNEY ACKNOWLEDGEMENT:**

I certify that I have explained all of the rights stated above and have answered all of the questions regarding this plea to the above-named defendant. I have also discussed the facts of the case and explained the consequences of this plea, the elements of the offense(s), and the possible defenses with the defendant. I am satisfied that he/she knowingly and intelligently has waived all of the rights stated above and full understands the nature and the consequences of the charge(s) against him/her.

\_\_\_\_\_  
Signature of Defendant's Attorney

\_\_\_\_\_  
DATE

**INTERPRETER CERTIFICATION (if applicable):**

I certify that I have been sworn or have a written oath on file and that I well and truly translated the entire contents of this form to the defendant into  Spanish  Other (specify): \_\_\_\_\_  
The defendant stated to me that he/she understands the contents of this form, and then he/she initialed and signed the form.

\_\_\_\_\_  
Interpreter's Signature

\_\_\_\_\_  
DATE

**FINDINGS AND ORDER**

The defendant personally and by his/her attorney in open court having this date entered a plea of  **guilty**  **nolo contendere**, and having been advised as to his/her rights, said plea is hereby accepted and ordered entered. The Court finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights, and that a factual basis exists for such plea(s).

DATED: \_\_\_\_\_

- JUDGE OF THE SUPERIOR COURT  
 JUDGE PRO TEM OF THE SUPERIOR COURT

<b>CORTE SUPERIOR DE CALIFORNIA, CONDADO DE SAN MATEO</b> <input type="checkbox"/> Hall of Justice <input type="checkbox"/> Northern Division 400 County Center                      1050 Mission Road Redwood City, CA 94063              South San Francisco, CA 94080	
<b>EL PUEBLO DEL ESTADO DE CALIFORNIA</b>  <div style="text-align: center;"> <b>DEMANDANTE</b>   v.   <b>ACUSADO</b> </div>	
<b>DECLARATORIO SOBRE UNA DECLARACIÓN O CAMBIO DE DECLARACIÓN A CULPABLE O NO OPONERSE A LOS CARGOS; DETERMINACIONES Y ORDEN (DELITO MENOR)</b>	<b>Número de caso</b>

1. Yo, el acusado nombrado más arriba en este caso penal, comprendo la naturaleza de los cargos en mi contra.
2. Comprendo que tengo derecho a ser representado por un abogado en todas las etapas de los procedimientos y que si no puedo pagar un abogado tengo derecho a que la corte nombre un abogado para representarme.

**[MARQUE SOLO UNO]**

- Por la presente renuncio al derecho de ser representado por un abogado.
- Mi abogado está presente y he hablado sobre los cargos y las posibles defensas con mi abogado.
- Por la presente renuncio a mi derecho a estar presente personalmente en todas las etapas de los procedimientos y autorizo a mi abogado a comparecer en mi nombre y presentar una declaración de culpable o no oponerse a los cargos. He hablado sobre los cargos y las posibles defensas a los mismos con mi abogado.

**3. POR LA PRESENTE RENUNCIO A LOS SIGUIENTES DERECHOS:**

- A. El derecho a tener un juicio y específicamente un juicio por jurado.
- B. El derecho a usar el poder de la corte para obligar la comparecencia de testigos y presentar pruebas en mi defensa, incluyendo el derecho a testificar personalmente a mi favor.
- C. El derecho a confrontar y contrainterrogar los testigos en mi contra.
- D. El derecho a no autoincriminarme, que significa el derecho a no testificar en mi propia contra.

4. Mi decisión de declararme culpable o no oponerme a los cargos ha sido tomada libre y voluntariamente, sin amenazas o miedo hacia mi persona o cualquier otra persona cercana o asociada a mí. No me han prometido recompensas, inmunidad, condena condicional o ninguna otra cosa para inducir mi declaración de culpable o no oponerme a los cargos, excepto:

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5. Comprendo que la pena máxima que se puede imponer se indica a continuación:

NÚMERO DE CARGO Y CARGO	PENA MÍNIMA / MÁXIMA
<input type="checkbox"/> Si está casilla está marcada, estoy acusado de contravenir la sección 23103 de 23103.5 de Código de Vehículos (Vehicle Code).	<b>Sin condena condicional:</b> no menos de cinco (5) ni más de 90 días en la cárcel del condado o una multa de por lo menos \$145 y no más de \$1000 (más tributos) o tanto una multa como tiempo en la cárcel. <b>Condena condicional:</b> no menos de cinco (5) ni más de 90 días en la cárcel del condado o una multa de por lo menos \$145 y no más de \$1000 (más tributos) o tanto una multa como tiempo en la cárcel, y participar y completar como mínimo el componente educativo de un programa de educación sobre el alcohol y las drogas.

Comprendo que si me acusan de la sección 23103 de 23103.5 del Código de Vehículos, una declaración de culpable/no oponerme a dicho cargo se considerará una condena previa para agraviar las penas conforme a las secciones 23152 o 23153 del Código de Vehículos si la(s) infracción(es) se comete(n) dentro de los diez (10) años de haber cometido esta infracción.

6. **Comprendo** que se ordenará que yo le pague restitución a la víctima, si hubo una víctima del delito, y que la orden de restitución se podrá hacer cumplir como un fallo civil. Comprendo que además se impondrá una multa de restitución de no menos de \$100 ni más de \$1000.

7. **Si corresponde, comprendo que:**
- a. tengo prohibido ser dueño de, comprar, recibir, poseer o tener bajo mi custodia o control cualquier tipo de arma de fuego, municiones y dispositivos de almacenamiento de municiones, incluyendo pero sin ser limitado a cargadores. \_\_\_\_\_(ponga sus iniciales)
  - b. tengo la obligación de llenar un *Formulario de entrega de armas de fuego por parte de personas prohibidas* (PPRF) honesta y oportunamente. \_\_\_\_\_(ponga sus iniciales)
  - c. deberá entregar toda arma de fuego de la manera indicada en el PPRF. \_\_\_\_\_(ponga sus iniciales)
  - d. **se me prohíbe poseer, ser dueño o comprar equipo de protección corporal según lo establece la sección 31360 del código penal.** \_\_\_\_\_(ponga sus iniciales)
8. **Si corresponde, comprendo** que, si subsiguientemente me condenan de un delito menor bajo las secciones 12500(a), 14601, 14601.1, 14601.2, 14601.3, 14601.4, o 14601.5 del Código de Vehículos, conforme a la sección 14607.6 del Código de Vehículos, un vehículo automotor está sujeto a incautación por ser una molestia si lo maneja en una autopista un conductor con licencia de manejar suspendida o revocada, o un conductor sin licencia que figura como el propietario registrado del vehículo que tiene una condena anterior de delito menor conforme a una de estas secciones. \_\_\_\_\_(ponga sus iniciales)
9. **Si corresponde, comprendo** que si me condenan de haber violado la sección 14601.2 del Código de Vehículos, la corte requerirá que instale un dispositivo de enclavamiento de encendido (IID) en cualquier vehículo del cual soy propietario u opero por un período de hasta tres años. La instalación de este vehículo, que previene el encendido del vehículo si tengo alcohol en el cuerpo, **NO ME AUTORIZA A MANEJAR SIN UNA LICENCIA DE MANEJAR VÁLIDA.** No instalar el IID resultará en la suspensión de mi licencia de manejar por parte del Departamento de Vehículos Motorizados (DMV). \_\_\_\_\_ (ponga sus iniciales)
10. **No ciudadanos de EE.UU.:** Comprendo que si no soy ciudadano, una condena de la infracción de la cual se me acusa **podrá** resultar en mi deportación, exclusión de ingreso a los Estados Unidos o denegación de naturalización o amnistía, conforme a las leyes de los Estados Unidos. [PC § 1016.5]
11. **Comprendo** que tengo el derecho a presentar mi declaración frente a un juez y a ser sentenciado por un juez. Renuncio a este derecho y acepto presentar mi declaración y ser sentenciado por: \_\_\_\_\_, un juez pro tem (juez temporal).
12. Comprendo que tengo derecho a ser sentenciado por el mismo juez que recibe esta declaración, si este caso se aplaza hasta la sentencia y por la presente  renuncio a ese derecho  no renuncio a ese derecho

**He leído y comprendo plenamente todos los derechos mencionados anteriormente.** Con eso en mente, renuncio a dichos derechos libre y voluntariamente. He leído y comprendo los cargos y alegatos especiales hechos en mi contra y he leído y comprendo las penas y otras consecuencias de una condena por dichas infracciones. Con estas consecuencias en mente, libre y voluntariamente presento una declaración de (marque una):

**CULPABLE**  **NO Oponerme a los cargos** a la(s) sección(s):

FIRMADO en el condado de San Mateo, California el \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Firma del acusado

**ATTORNEY ACKNOWLEDGEMENT:**

I certify that I have explained all of the rights stated above and have answered all of the questions regarding this plea to the above-named defendant. I have also discussed the facts of the case and explained the consequences of this plea, the elements of the offense(s), and the possible defenses with the defendant. I am satisfied that he/she knowingly and intelligently has waived all of the rights stated above and fully understands the nature and the consequences of the charge(s) against him/her.

\_\_\_\_\_  
Signature of Defendant's Attorney

\_\_\_\_\_  
DATE

**INTERPRETER CERTIFICATION (if applicable):**

I certify that I have been sworn or have a written oath on file and that I well and truly translated the entire contents of this form to the defendant into  Spanish  Other (specify): \_\_\_\_\_  
The defendant stated to me that he/she understands the contents of this form, and then he/she initialed and signed the form.

\_\_\_\_\_  
Interpreter's Signature


\_\_\_\_\_  
DATE

**FINDINGS AND ORDER**

The defendant personally and by his/her attorney in open court having this date entered a plea of  **guilty**  **nolo contendere**, and having been advised as to his/her rights, said plea is hereby accepted and ordered entered. The Court finds that the defendant made a knowing, intelligent and voluntary waiver of the above rights, and that a factual basis exists for such plea(s).

DATED: \_\_\_\_\_

- JUDGE OF THE SUPERIOR COURT
- JUDGE PRO TEM OF THE SUPERIOR COURT

 <p style="text-align: center;"><b>SUPERIOR COURT OF SAN MATEO COUNTY</b></p> <p> <input type="checkbox"/> Southern Branch                      <input type="checkbox"/> Northern Branch  400 County Center, 4<sup>th</sup> Floor,              1050 Mission Road,  Redwood City, CA 94063              South San Francisco, CA 9408  www.sanmateo.courts.ca.gov </p>	FOR COURT USE ONLY
PLAINTIFF: <p style="text-align: center;"><b>THE PEOPLE OF THE STATE OF CALIFORNIA</b>  vs</p>	
DEFENDANT:	CASE NUMBER:
<b>ORDER OF COMMITMENT</b> <b>[Penal Code §§ 1367, 1372]</b>	Department No:

The defendant is present with counsel. The defendant is charged with the crime(s) of violation of California Code section(s):

The Court has previously appointed:

- |     |                                       |  |
|-----|---------------------------------------|--|
| Dr. | <input type="checkbox"/> psychiatrist | <input type="checkbox"/> licensed psychologist |
| Dr. | <input type="checkbox"/> psychiatrist | <input type="checkbox"/> licensed psychologist |
| Dr. | <input type="checkbox"/> psychiatrist | <input type="checkbox"/> licensed psychologist |

to investigate the defendant’s mental competency pursuant to Penal Code sections 1367-1368, and said doctor(s) have previously submitted their reports to the Court.

On \_\_\_\_\_, the Court found that the defendant is presently incompetent within the meaning of Penal Code Section 1367, et seq.

The Court ordered the Community Program Director or his/her designee to evaluate the defendant and to submit a recommendation as to treatment, and said recommendation has been received.

**NOW THEREFORE IT IS HEREBY ORDERED** that criminal proceedings remain suspended until the defendant becomes competent.

**IT IS FURTHER ORDERED** that the defendant be committed to the following facility for placement for the care and treatment of defendant’s mental illness and to restore defendant’s competency:

- Napa State Hospital, a public facility
- Atascadero State Hospital, a public facility
- Patton State Hospital, a public facility
- San Mateo County Hospital, a public facility approved for defendant’s treatment
- Other \_\_\_\_\_, a public facility
- Other \_\_\_\_\_, a private facility

**The director of said facility shall accept delivery of the defendant on or before \_\_\_\_\_.**

**IT IS FURTHER ORDERED** that the defendant is remanded to the custody of the Sheriff of San Mateo County for delivery to said facility.

**THE COURT FURTHER FINDS** that, pursuant to Penal Code §1370(a)(2)(B):

- Defendant, after receiving advice from counsel, consents to the administration of medications. Defendant has also been made aware that if defendant withdraws consent for antipsychotic medication, after the treating psychiatrist complies with the provisions of PC 1370(a)(2)(C), the defendant will be returned to court for a hearing in accordance with PC 1370(a)(2)(B)(i) regarding whether antipsychotic medication shall be administered involuntarily.
- Defendant lacks capacity to make decisions regarding antipsychotic medication and that defendant's mental disorder requires medical treatment with antipsychotic medication.
- Defendant is a danger to others in that defendant has inflicted, attempted to inflict, or made a serious threat of inflicting substantial physical harm on another and defendant presents a demonstrated danger of inflicting substantial physical harm on others warranting administration of antipsychotic medication.
- Defendant has been charged with a serious crime against person(s) and/or property; involuntary administration of antipsychotic medication is substantially likely to render defendant competent to stand trial; the medication is unlikely to have side effects that interfere with defendant's ability to understand the nature of the criminal proceedings or to assist counsel in the conduct of a defense in a reasonable manner; less intrusive treatments are unlikely to have substantially the same results; and antipsychotic medication is in the patient's best medical interest in light of his/her medical condition.

**BASED UPON THE FOREGOING FINDING(S) IT IS FURTHER ORDERED THAT:**

- The treatment facility is authorized to administer antipsychotic medication to defendant as prescribed by a treating psychiatrist pursuant to the defendant's consent to such treatment.
- The treatment facility is authorized to administer antipsychotic medication to defendant involuntarily as prescribed by a treating psychiatrist pursuant to PC §1370(a)(2)(B)(iii).
- Defendant does not consent to the administration of medication and does not at the present time meet the criteria for involuntary medication pursuant to Penal Code 1370(a)(2)(B)(ii).

**IT IS FURTHER ORDERED** that pursuant to Penal Code §1370 (a)(2)(C), the State Department of Mental Health shall accept defendant at a treatment facility as ordered on the date indicated above. If during the period of commitment the treating psychiatrist determines that antipsychotic medication has become medically necessary and appropriate, the treating psychiatrist shall make efforts to obtain informed consent from the defendant for antipsychotic medication. If defendant withdraws his/her prior consent to medication or if informed consent is not obtained from the defendant who was committed without an order for administering medication, and the treating psychiatrist is of the opinion that the defendant lacks capacity to make decisions regarding antipsychotic medication as specified in subclause (I) of clause (ii) of subparagraph (B), or that the defendant is a danger to others as specified in subclause (II) of clause (ii) of subparagraph (B), this court shall be notified of this, including an assessment of the current mental status of the defendant and the opinion of the treating psychiatrist that involuntary antipsychotic medication has become medically necessary and appropriate. The court shall provide notice to the prosecuting attorney and to the attorney representing the defendant and shall set a hearing to determine whether involuntary antipsychotic medication



should be ordered in the manner described in subparagraph (B). Please direct any such correspondence to [DoctorEval@sanmateocourt.org](mailto:DoctorEval@sanmateocourt.org)

**IT IS FURTHER ORDERED** that when the Superintendent of the Hospital or Facility determines that the defendant has regained his/her mental competence, the Superintendent shall immediately certify the fact to the Court, the Sheriff and District Attorney of this County and defendant's attorney of record, and the defendant shall be returned to this Court for further proceedings. Please direct any such correspondence to [DoctorEval@sanmateocourt.org](mailto:DoctorEval@sanmateocourt.org)

**IT IS FURTHER ORDERED** that within ninety (90) days of this commitment and thereafter at no less than six months interval, the Superintendent of the Hospital or facility where defendant is housed shall make a written report to this Court and the Mental Health Director of this County, or the Director's designee, concerning the defendant's progress toward recovery of the defendant's mental competence. Please direct any such correspondence to [DoctorEval@sanmateocourt.org](mailto:DoctorEval@sanmateocourt.org)

**IT IS FURTHER ORDERED** that, pursuant to Penal Code section 1370(c)(1), the maximum period of this commitment is:

- 
- \_\_\_\_\_ Months/years (maximum term for most serious offense charged)
- The defendant is entitled to \_\_\_\_\_ days/months of actual custody credit (Penal Code §1375.5).

**IT IS SO ORDERED:**

---

**JUDGE OF THE SUPERIOR COURT**

---

**DATE**

Distribution: Original to File  
3 copies to Transportation  
1 copy to each: Attorney-of-Record, DA's Office and Probation Department and to each Forensic Evaluator(s) to be delivered by the Court.  
1 copy to the San Mateo County Correctional Mental Health Services, Manager of Mental Health/Recovery Division [PONY PBH173]  
1 Certified Copy sent to the Director of the Facility as designated on page 1 of this Order

**Title Rule 4.1 General Provisions**

**Proposed Changes**  
 (Insert any new text in **bold and italicized font**.  
 Strike through any deleted text.)

...

B. 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, [www.sanmateocourt.org](http://www.sanmateocourt.org) [www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov) one court day prior to the hearing.

Matters ~~set on the non-appearance calendar are considered~~ that are pre-approved; ~~but are~~ 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. T~~he continued hearing date will ~~also~~ be displayed on the Odyssey Portal on the court’s website.

...

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](mailto:probate@sanmateocourt.org) ~~and may be granted upon a showing of good cause. 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, any further requests for a continuance must be made at the hearing it will be dropped from the probate calendar, and the matter will have to be reset and re-noticed before it will be heard.~~

~~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.~~

~~EF.~~ 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.

~~FG.~~ 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. Only Probate matters properly venued in San Mateo County under the Probate Code will be ~~accepted for filing or considered as ex parte matters in San Mateo County.~~ heard; ~~C~~consents to venue will not be accepted. (See Probate Code 7051, 17005.)

(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; Amended, effective July 1, 2021; *Amended, effective July 1, 2024*)

**Title** **Rule 4.2 Hearing**

**Proposed Changes**  
 (Insert any new text in bold and italicized font. Strike through any deleted text.)

A Hearing Schedule. Hearing Schedule. Probate matters generally will be heard on Monday through Friday in the designated Probate Department at 9:00 a.m., except for one Thursday and one Friday per month. Please check with the Court Clerk’s Office, Probate Division or the Court’s website at ~~www.sanmateocourt.org~~ *www.sanmateo.courts.ca.gov* for the schedule. LPS conservatorship matters are heard by the Court on Tuesdays in the designated Probate Department at 11:00 a.m.

B Probate Calendar. The regular probate calendar sets only a limited number ~~eases on of~~ cases each day ~~(approximate 15 to 20)~~. Counsel may request/set the date of the hearing on the moving papers. If the requested date is unavailable, the clerk shall calendar the hearing date to the next earliest available hearing date. The clerk’s office shall notify the attorney of record of any such resetting.

C. Advancing Hearing Dates/ Orders Shortening Time. If a probate matter cannot be heard on the date requested due solely to the fact that the court’s calendar is full, counsel/self-represented parties may make ex parte application to the court to advance the hearing upon a demonstration of good cause. Probate matters may be heard on less than the statutory required notice only upon the issue of an Order Shortening Time (OST) by the court. OST’s may be obtained ex parte upon notice and a demonstration of good cause.

D. Video Appearances

(1) Judicial Approval. Video appearances through the use of an independent vendor, currently Zoom, are permitted at certain probate hearings, as indicated in the Tentative Rulings. Video appearances are not permitted for initial conservatorship and guardianship appointments (Probate Code, §1514, §1825), Petitions for Temporary Restraining Orders (e.g., elder abuse cases) or any other matters within the court’s discretion, *unless indicated in the Tentative Rulings.* See Rule 4.6.

(2) Procedure. On the day of the hearing, counsel and parties appearing by video ~~(or audio-only)~~ must check-in fifteen minutes prior to the hearing. Video ~~(& if video is unavailable audio-only)~~ check-in can be accomplished by using the credentials/passwords shown at the top of the Probate Tentative Rulings page. ~~*Remote appearances by video are strongly preferred; audio-only appearances, through the video vendor, currently Zoom, are permitted only if video is completely unavailable.*~~ Once the hearing begins, all parties appearing remotely must mute their microphones until their line number is called.-

Any attorney or party joining the Zoom meeting after the check-in period shall be considered late for the hearing and shall be treated in the same manner as if the

considered late for the hearing and shall be treated in the same manner as if the person had personally appeared late for the hearing.

(Adopted, effective July 1, 1996; Amended, effective January 1, 2003; Amended, effective July 1, 2004, Amended, effective July 1, 2006); Amended, effective January 1, 2007); Amended, effective July 1, 2021; Amended, effective January 1, 2023; **Amended, effective July 1, 2024**)

## Spring 24

### Title Rule 4.6 Appearance

**Proposed Changes**  
(Insert any new text in  
**bold and italicized font.**  
Strike through any  
deleted text.)

A. Generally. An appearance ~~will~~**may be** required on the hearing of all matters that are not pre-granted or continued on the Court's Tentative Rulings that are posted on the Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org) [www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov). See Local Rule 4.77.5 (Personal Appearance – Guardianships) and 4.81.1 (Personal Appearance – Conservatorships) below.

B. **REPEALED.** Please see Local Rule 4.2(d).

C. Filing of Appearance Initiating Documents. All supporting papers for the party initiating an appearance on the probate calendar shall be filed no later than five (5) court days prior to the hearing. Replies shall be filed no later than two (2) court days prior to the hearing. Filing of papers shall occur in the office of the Clerk of the Court, Probate Division at the location where the matter is to be heard.

D. Proposed Order. Except in the case of confirmations of sales and contested matters, a proposed order must be submitted to the office of the Clerk of the Court, Probate Division, at least five (5) court days in advance of the scheduled hearing date, with the scheduled hearing date noted on the face sheet. Failure to submit a timely proposed order five (5) court days in advance of the hearing may result in a continuance of the hearing.

E. Personal appearance by counsel ~~will~~**may** be required in the following cases:

- (1) Contested matters.
- (2) Proof of holographic wills, only when specially required by the hearing judge.
- (3) Hearings on petitions for court confirmation of sales of property.
- (4) Appointment of guardian or conservator.
- (5) Any non-routine matter that by law requires the personal appearance of any person.

(Adopted, effective July 1, 1996); Amended, effective January 1, 2000; effective July 1, 2004); Amended, effective January 1, 2011); Amended, effective July 1, 2012); Amended, effective January 1, 2018); Amended, effective January 1, 2023; **Amended, effective July 1, 2024)**

**Spring 24**

**Title Rule 4.7 Ex Parte Matters**

**Proposed Changes**  
(Insert any new text in **bold and italicized font**.  
Strike through any deleted text.)

- A. Ex parte petitions shall only be brought when specifically authorized by the Probate Code, in exigent circumstances or in emergencies.
- B. Notice of the ex parte petition shall be given to all parties entitled by provision of the Probate Code to receive notice of the matter which is the subject of the ex parte petition by the time as required by California Rules of Court, Rule 3.1203-3.1204.
- C. All ex parte applications must allege whether special notice has been requested. If special notice has been requested, the application must identify each person who has requested such notice and must allege that special notice has been given to that person or has been waived by that person. A proof of service of special notice or a written waiver of special notice must be presented with each application.
- D. All Probate ex parte applications must comply with ~~California~~ California Rules of Court, Rules 3.1203-3.1204.
- E. Each petition for an ex parte order must be verified and must contain sufficient evidentiary facts to justify issuing an order.
- F.** Probate ex partes shall be heard each day between 10:00 a.m. and 11:00 a.m. by the Probate Department. ***Applicants must be checked into the Clerk's office by 10:30 a.m.*** No prior appointment need be made for any ex parte hearing.

(Adopted, effective July 1, 1996; Amended effective January 1, 2000; Amended effective July 1, 2004; Amended effective January 1, 2007; Amended effective July 1, 2022; **Amended, effective July 1, 2024.**)

Spring 24

**Title** | **Rule 4.9 Petition for Instructions**

**Proposed Changes**

(Insert any new text in **bold and italicized font**.  
~~Strike through any deleted text.~~)

**Rule 4.9 *Petition for Instructions***

The use of petitions for instructions is limited to those matters for which no other procedure is provided by statute. All petitions for instructions shall include a memorandum of points and authorities filed in support of the petition, with appropriate citations. The petition shall also set forth the specific instructions which the petitioner believes the court should order.

All other petitions seeking relief which is not provided for by statute, shall include a memorandum of points and authorities filed in support of such relief, with appropriate citations. The petition shall also set forth the specific nature of the relief sought.

(Adopted, effective July 1, 1996; ~~Amended, effective July 1, 2004;~~  
***Amended, effective July 1, 2024***)

Spring 24

**Title** | **Rule 4.14 Allegations in Support of Showing of Community Property**

**Proposed Changes**

(Insert any new text in **bold and italicized font**.  
~~Strike through any deleted text.~~)

A. If record title to property, either real or personal, is not in community property form, and the petitioner seeks confirmation of the property as community property, the petitioner must allege the facts necessary to give rise to the legal conclusion that the property in question is community property including, but not limited to:

1. Date and place of marriage.
2. The decedent's net worth at time of marriage.
3. Whether or not the decedent received any significant gifts or inheritance after marriage; and
4. That the property to be set aside is not traceable to such initial net worth or later gift or inheritance.
5. Date of transmutation, if needed.

***All relevant deeds must be provided and decedent's will, if any, must be lodged and attached to the Petition.***

B. If the decedent and surviving spouse were married outside California or lived outside California during the marriage, the same allegations required above must be made respecting the decedent's net worth at the time of entry or each re-entry into California.

C. For all transmutations of title to real or personal property made after

January 1, 1985, there must be an express written declaration that is made, joined in, consented to, or accepted by the spouse whose interest in the property is adversely affected.

D. If the community or quasi-community property claim is based on any document, a copy of the document showing signatures must be attached to the petition. However, if the document is lengthy and only portions of it are relevant to the claim, only the relevant portions need be attached. If it is believed that disclosure of the document would be detrimental, the document or the relevant portions may be paraphrased in the petition accompanied by a statement that a copy of the document itself will be made available to the Court.

Reference:- Family Code §§ 850-853; Probate Code §§ 100-101 and §§13500-13660; and California Rules of Court, Rule 7.301.

(Adopted, effective July 1, 1996; ~~Amended, effective July 1, 2004;~~  
*Amended, effective July 1, 2024*)

**Spring 24**

**Title Rule 4.66 Requirements Re: Final Distribution**

**Proposed Changes**  
(Insert any new text in **bold and italicized font**.  
~~Strike through any deleted text.~~)

Rule 4.66 *Additional* Requirements Re: Final Distribution

A. Allegations re Creditor's Claims: The petition for final distribution (whether or not on waiver of accounting and whether or not the personal representative is acting under the I.A.E.A.) must list all creditors' claims presented and indicate the disposition of each claim. If any claim has been rejected, the date of service of notice of rejection must be stated, as well as its disposition, whether by suit or otherwise. This information must be set forth in the petition for final distribution even though it may have been presented to the Court in whole or in part in prior accountings or petitions for distribution.

B. Allegations Relating to Independent Acts: The petition for final distribution must list and describe all independent acts taken without prior court approval and must contain an allegation that the 15-day advice of proposed action was waived or duly served when required and that no objections were received. Sections 10587 - 10591. The originals of the advice of proposed action with attached declarations of mailing must be available but need not be filed with the Court. If certain acts have been properly reported in a prior petition for distribution, they need not be repeated.

C. Retention of a Reserve: The decree of final distribution must specifically set forth the use that may be made of retained funds (e.g., income taxes, closing costs, etc.).

D. No petition for final distribution will be accepted for filing or considered



by the Court unless an inventory and appraisal marked final or complete has already been filed.

E. No petition for distribution will be granted whereby any portion of an estate is distributed to a nonresident, without a certificate from the Franchise Tax Board where required by law because of the value of the estate or the assets distributable to such nonresident. See Revenue and Taxation Code §19513 and applicable regulations for dollar amounts.

(Adopted, effective July 1, 1996, Amended, effective January 1, 2000;  
*Amended, effective July 1, 2024*)

## Spring 24

### Title **Rule 4.77.1 Petition for General Guardianship.**

**Proposed Changes**  
(Insert any new text in  
***bold and italicized font.***  
~~Strike through any~~  
deleted text.)

A petition may be filed for a guardianship of the person, guardianship of the estate, or both. This petition must be filed in all cases, even if the guardianship is needed for a short period of time. A packet of blank guardianship forms, including a list of all documents required to be filed with the Superior Court in San Mateo County and information regarding the procedures for proper service of notification (PR-20) is available from the Superior Court Clerk's Office, Room A, 400 County Center, Redwood City, and on the Internet at [www.sanmateocourt.org](http://www.sanmateocourt.org) ~~www.sanmateo.courts.ca.gov~~. Each of the forms must be completed in its entirety, copied, and returned to the Clerk's office for filing **before the Probate Clerk will assign a case number and set a hearing date.** A case number and hearing date will be assigned by the Counter Clerk as part of the filing process.

1. The following documents (an original and two (2) copies) must be submitted with the initial filing:
  - a. Notice of Hearing (GC-020)
  - b. Petition for Guardianship (GC-210)
  - c. Confidential Guardian Screening Form (GC-212)
  - d. Guardianship Declaration" (San Mateo County Local Form PR 18)
  - e. Declaration Under UCCJEA (FL-105/GC-120)
  - f. Notification to Court of Addresses for Guardianships (San Mateo County Local Form, PR-2)
  - g. Consent of Guardian, Nomination and Waiver (GC-211) - this is a multi-purpose form, and must be submitted for the "Consent" of the guardian. The nomination and/or waiver provisions are optional. This form may be submitted in counterpart.
  - h. Duties of Guardian (GC-248)

2. All documents will become part of the public record, with the exception of

the Guardianship Declaration (PR-18) and the Confidential Guardian Screening Form (JC-GC 212) (confidential except by court order – see California Rules of Court, Rule 7.1001).

3. All filings must consist of an original and two (2) copies. Signatures must be in blue ink. The clerk will retain the original and one (1) copy of all documents. (The clerk will deliver the copy to the

Court Investigators). The second copy will be stamped “endorsed filed” and will be returned to the filing party for his/her records,

4. The Guardianship Declaration (Local Form, PR 18) should include the following information to assist the Court Investigators and the Court:

- a. Specific reasons why parents are not suitable
- b. Complete legal name, any other names used for the minor
- c. Development of the minor, whom minor has resided with since birth, and any special emotional, psychological, or physical needs; and ability of guardian to meet these needs.
- d. Daycare arrangements, if any; name, address and telephone number of person or facility providing care
- e. Schooling/education plan and any special needs
- f. Housing arrangements, own room or sharing
- g. Financial support and source
- h. Name and telephone number of physician
- i. Other relevant information (facts which should be revealed to the court but which the petitioner wishes to have remain confidential should be addressed to the Court Investigator and labeled, “For Confidential Use Only.”)

(Adopted, effective July 1, ~~2004-2004~~, formerly Rule 4.77 (a), (c), and (d)); Amended, effective July 1, 2006; Amended, effective January 1, 2012; Amended, effective July 1, 2021; **Amended, effective July 1, 2024**)

**Title Rule 4.80 Compromise of Claims**

**Proposed Changes**  
 (Insert any new text in **bold and italicized font**.  
~~Strike through any~~  
 deleted text.)

(See generally Sections 2500-2507; 3500-3612; Code Civ. Proc. Section 372; Cal. Rules of Court Section 241)

A. Court to Which Addressed

(1) Where the claim is the subject of a pending action, approval must be by the court to which the matter was assigned for trial or settlement, if any; otherwise, approval must be by the Probate Court in accordance with subparagraph (2) below.

(2) Where the claim is not the subject of a pending action and approval is sought in this county, it shall be addressed to the Probate Court, and if there is a guardianship or conservatorship proceeding pending, the approval must be had in that proceeding;

(3) In cases where the trial or settlement court has approved the basic settlement and compromise, the matter of the disposition of the net recovery may be referred to the Probate Court under Section 3600 et seq.

B. Contents of Petition to be presented to the Probate Court: In addition to the requirements of Section 2506 and Cal. Rules of Court Section 241, the petition for compromise of a claim for a minor should show the date of birth of the minor, the minor's place of residence, and the names and addresses of the minor's parents. Current medical reports, giving a diagnosis and prognosis of the minor's or conservatee's condition should be attached to the petition or submitted to the Court at the time of the hearing.

C. Notice re Probate Court matters: Where the claim is that of a minor and there is no guardianship of the estate and the only relief sought (other than reimbursement for reasonable expenses, costs and attorneys' fees) is to deposit the net recovery in a blocked account and the net recovery does not exceed \$20,000, the petition may be presented ex parte. ~~*In such cases the minor as well as the petitioner must be present.*~~

D. Order: If the net proceeds received on behalf of a minor are to be made the subject of an impound, the requirements contained in Local Rule 4.79(c) are applicable. If the order deals with the compromise of claims of more than one minor, the interest of each minor must be separately stated, and the order must provide that there should be no commingling or combining of such interests.

E. Attorneys' Fees: Except for good cause shown, attorneys' fees in excess of 25% of the net settlement proceeds will not be allowed.

deliver two copies to the Office of the Court’s Investigator). Reference: Probate Code section 1821; California Rules ~~Of of~~ Court, Rule 7.1050; and Local Rule §.4.81.10.

(Adopted, effective July 1, 2004 ~~– former Rule 4.81(a)–~~; ~~(Amended January 1, 2005+1/05)~~; Amended, effective July 1, 2005 ~~–~~; Amended, effective January 1, 2009 ~~–~~; Amended, effective July 1, 2010 ~~–~~; ~~(Amended, effective July 1, 2011; Amended, effective July 1, 2024)~~

Spring 24

**Title** Rule 4.81.10. Dementia Powers

**Proposed Changes**  
(Insert any new text in bold and italicized font. Strike through any deleted text.)

Rule 4.81.10. *Special Orders Regarding a Major Neurocognitive Disorder (formerly Dementia Powers)*

A. Required Forms

If orders are being sought relating to ~~dementia a major neurocognitive disorder~~ as set forth in Probate Code section 2356.5, namely, restricted placement and/or ~~major neurocognitive disorder dementia~~ medications (i.e. psychotropic medications given solely for ~~dementia a major neurocognitive disorder~~), the following forms must be filed confidentially with the petition:

- 1) “Attachment Requesting Special Orders Regarding ~~Dementia a Major Neurocognitive Disorder~~” (GC-313);
- 2) ~~–~~“Capacity Declaration-Conservatorship” (GC-335); and
- 3) ~~Dementia Major Neurocognitive Disorder~~ Attachment to Capacity Declaration (GC-335A)

The Capacity Declaration must reflect an examination date of the proposed conservatee within *120 days from the date of filing*, unless good cause is shown. Good cause may be established through a declaration. The Petition Worksheet (item 3 above) shall be marked confidential by the Court at the time of filing and shall be kept in the Court’s confidential file.

B. Requests for ~~Dementia Powers~~ Special Orders Regarding ~~a Major Neurocognitive Disorder~~ at Subsequent Hearing (formerly Dementia Powers):

- 1) If Exclusive Medical Authority Has Not Previously Been Ordered. If exclusive medical authority has not previously been ordered, the conservator must first establish that the conservatee lacks the capacity to give consent for medical treatment before the Court will grant ~~Dementia Powers~~ Special Orders Regarding ~~a Major Neurocognitive Disorder~~. The conservator should use GC-380 and provide the same documents as set forth above.

- 2) ~~–~~ If Court Has Already Granted Exclusive Medical Authority.

If the Court has already made an order granting exclusive authority to give consent to medical treatment, the conservator shall petition to modify that order to add the ~~*dementia powers*~~ special orders regarding *a major neurocognitive disorder*. The conservator should use GC-380 and interlineate that the petition is for modification of an existing order. The Attachment Requesting Special Orders Regarding *Dementia a Major Neurocognitive Disorder* (GC-313), and an updated Capacity Declaration, ~~*and the Probate Conservatorship for Dementia Petition Worksheet (local form)*~~ shall accompany the petition. (See confidentiality requirements, above.)

- C. Stale Dated Capacity Declaration:  
In all cases, the Capacity Declaration must reflect an examination date of the proposed conservatee within 120 days of the filing date of the petition, unless good cause is shown. Good cause may be established through a declaration.
- D. Psychotropic Medications to Treat Conditions Other Than *Dementia a Major Neurocognitive Disorder*- No Capacity to Give Consent:  
If a conservatee is prescribed psychotropic medications for the treatment of another medical condition (i.e. other than *dementia a Major Neurocognitive Disorder*), and if the conservatee lacks the capacity to give consent for medical treatment, the conservator shall file a doctor's declaration explaining that the medications are not for the treatment of *dementia a Major Neurocognitive Disorder*.
- E. Dual Diagnosis:  
In all cases where there the treatment is for a dual purpose, the conservator must comply with Probate Code Section 2356.5.

(Adopted, effective July 1, 2004~~+~~; former Rule 4.81(b))~~+~~; Amended, effective January 1, 2008; *Amended, effective July 1, 2024*)

**Spring 24**

**Title    Rule 4.81.17 Accounts and Reports.**

**Proposed Changes**  
(Insert any new text in *bold and italicized font*.  
Strike through any deleted text.)

- A. Accounting records that need to be provided to the court are set forth in Probate Code sections 2620, and 1061-1063. Schedules for Income and Disbursements shall be stated in chronological and also categorical format.
- 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

will be returned to the submitting party when the court determines the guardian's or conservator's accounting is approved (or final).

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).

D. Individuals who "Lodge" their records under this Rule shall:

~~(1) Review and comply with the Instructions for Lodging Original Financial Statements that can be found on the Court's website at [www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov) in the Probate section under the "Forms and Filing" tab. Local Court Form PR-26.~~

~~(2) (1) 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.~~

~~(3) (2) Electronically lodge records Deliver the records to be lodged to the Probate Court Investigations office at the Superior Court's Hall of Justice, 8<sup>th</sup> floor, 400 County Center in Redwood City, California.~~

~~(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~~ **Amended, effective July 1, 2024**)

**Spring 24**

**Title Rule 4.88 Court Investigation Assessments**

**Proposed Changes**  
(Insert any new text in **bold and italicized font**.  
~~Strike through any deleted text.~~)

A. Unless deferred or waived by the Court, all guardianships and conservatorships shall be assessed a fee pursuant to Probate Code §§1513.1 and 1851.5 as stated in the Court’s Fee Schedule that is available in the Court Clerk’s Office public counter or on the Court’s website at [www.sanmateocourt.org](http://www.sanmateocourt.org) [www.sanmateo.courts.ca.gov](http://www.sanmateo.courts.ca.gov).

B. Conservatorships and guardianships will be assessed a fee of \$500.00 for all conservatorship investigations performed by the Aging and Adult Services (AAS), whether or not the case is ultimately assigned to the Public Guardian, unless the fee is deferred or waived by the Court.

(Adopted, effective July 1, 1996); ~~Amended, effective July 1, 2003~~; Amended effective July 1, 2004; **Amended, effective July 1, 2024**)

**Spring 24**

**Title Rule 4.76 Temporary Conservatorships**

**Proposed Changes**  
(Insert any new text in **bold and italicized font**.  
~~Strike through any deleted text.~~)

A. In exigent circumstances, petitions may be presented ex parte ~~between 2:00 -3:30 p.m. (M, T, W, Th, F)~~. On those days that the Probate Presiding Judge is not available, the petitioner shall present his/her petition to the court’s Presiding Judge or the judge designated to hear ex parte matters. A separate petition for the appointment of a regular conservator must first be on file and a hearing date assigned before a petition for temporary conservator will be considered. Forms necessary for temporary appointment of conservator are as follows:

- (1) Petition for Appointment of Temporary Conservator (GC-110);
- (2) Ex Parte Application for Good Cause Exception to Notice of Hearing on Petition for Appointment of Temporary Conservator (Judicial Council form GC-112) and Order on Ex Parte application (Judicial Council form GC-115);
- (3) Order Appointing Temporary Conservator (GC-141);
- (4) Proof of service regarding 5-day personal service of ex parte petition to proposed conservatee (if matter contested); and
- (5) Letters of Temporary Conservatorship (GC-150) and Temporary Bond Certificate (for estates).
- (6) Declaration Re: Notice of Ex Parte Application for Orders (local form PR-9)

...

(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; Amended, effective July 1, 2021; ***Amended, effective July 1, 2024***)

**Spring 24**

	<b>Spring 24</b>
<b>Title</b>	<b>Rule 4.77.14 Temporary Guardianship - Emergency Situations Only</b>
<b>Proposed Changes</b> (Insert any new text in <b><i>bold and italicized font</i></b> . Strike through any deleted text.)	<p>A. If temporary guardianship is necessary, the court may consider the application with a short notice period (5 court days) or no notice (ex parte) [Prob.C. §2250]. In exigent circumstances, petitions may be presented ex parte. <del><i>between 2:00—3:30 p.m. (M,TU, W, TH,F)</i></del> On those days that the Probate Presiding Judge is not available, the petitioner shall present his/her petition to the court’s Presiding Judge or the judge designated to hear ex parte matters. It is the policy of the Court not to change the residence of the proposed ward absent exigent circumstances and a recommendation by the Court Investigation unit.</p> <p>...</p> <p>(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; Amended, effective July 1, 2021 <b><i>Amended, effective July 1, 2024</i></b>)</p>

**Spring 24**

	<b>Spring 24</b>
<b>Title</b>	<b>Rule 4.77.2 Hearing Dates</b>
<b>Proposed Changes</b> (Insert any new text in <b><i>bold and italicized font</i></b> . Strike through any deleted text.)	<p>A. A hearing date will be assigned at the Court Clerk’s Office, Room A when the documents are filed. <del><i>Guardianship matters are heard Monday, Tuesday, Wednesday and Friday at 9:00 a.m.</i></del></p> <p>B. <del><i>Possible hearing dates may be inserted into the documents in advance after telephone inquiry from the Clerk [650-363-4711]; but dates inserted in advance do not reserve a place on the Court Calendar, and may be subject to change at the time of actual filing.</i></del></p> <p>€B. Continuances. See Local Rule 4.1 above.</p> <p>ĐC. Order shortening time. All applications for Order shortening time shall be submitted in the Court Clerk’s Office, Probate Department rather than the Law and Motion Department.</p> <p>(Adopted, effective July 1, 2004; Amended, effective July 1, 2011; <b><i>Amended,</i></b></p>



*effective July 1, 2024))*

**Title** Local Rule 3.1202(d)

**Discussion**

The proposed modification is to make the payment procedure description consistent with Local Rule 3.500(b). “The applicant shall pay any ex parte application filing fee due to the Clerk of Court prior to presenting the ex parte application to the Civil Judge. See the court’s website for further information regarding payment of fees. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department no later than 15 minutes from the time set for ex parte hearings.”

**Current Rule:**

Rule 3.1202 Ex Parte Applications in Unlawful Detainer Actions.

(a) Ex parte applications in Unlawful Detainer actions are heard by the Civil Judge assigned to that Unlawful Detainer case. The Department of each Civil Judge is available for ex parte applications two days per week at 1:30 p.m. Parties and their counsel must check the Court’s website at [www.sanmateocourt.org](http://www.sanmateocourt.org) under the Civil Departments section for the specific days of the week when ex partes are heard by the assigned Civil Judge.

(b) Uncontested ex parte applications in Unlawful Detainer actions, which do not require a hearing, may be heard and determined by the Civil Commissioner. Good cause appearing, the Civil Commissioner may, and is authorized to, determine and enter orders on uncontested ex parte applications/motions/requests, which do not involve the adjudication of any issue of disputed law or fact by the Civil Commissioner.

(c) Regardless of any stipulation of the parties to the contrary, any request for entry of judgment pursuant to stipulation of settlement, on the basis that the opposing party breached the stipulation of settlement, shall be filed as a noticed motion for entry of judgment pursuant to CCP Section 664.6, and set for hearing before the assigned Civil Judge; or may be presented as an ex parte application before the assigned Civil Judge if the requesting party is only seeking a judgment of possession (but no monetary award). Any provision in a stipulation of the parties, instead, to have the issue of breach of a stipulation of settlement adjudicated by evidentiary hearing before the Civil Commissioner is deemed void; and will not be calendared for such evidentiary hearing.

(d) Except 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 Civil Judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department no later than 15 minutes from the time set for ex parte hearings.

(e) Ex parte applications, ex parte oppositions, and all other ex parte filings in Unlawful Detainer actions on contested or potentially contested applications/requests/motions must be submitted and filed in paper form, and cannot be electronically filed. Failure to present a proposed order at the time of presentation of the ex parte application will result in denial of the ex parte application.

(f) Uncontested ex parte applications in Unlawful Detainer actions that do not require notice or hearing may be electronically filed.

(g) Ex parte applicants and opponents must appear in person on contested or potentially contested applications/requests/motions, subject to the exceptions set forth in CRC Rule 3.1207, as ex parte remote appearances cannot be accommodated at the present time.

(Adopted, effective January 1, 2021) (Amended, effective July 1, 2023).

**Proposed Changes**

(Insert any new text in ***bold and italicized font.***

Strike through any deleted text.)

Rule 3.1202 Ex Parte Applications in Unlawful Detainer Actions.

...

(d) Except 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 Civil Judge. ***See the court's website for further information regarding payment of fees.*** Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department no later than 15 minutes from the time set for ex parte hearings.

...

(Adopted, effective January 1, 2021) (Amended, effective July 1, 2023)  
***(Amended, effective July 1, 2024).***

<b>Title</b>	<b>Local Rule 9.4 – Written Arraignments</b>
<b>Discussion</b>	<p>The reason for the proposed deletion is that our clerk’s office has been permitting attorneys to use the rule to paper-arraign case types that require an in person appearance under Penal Code 977(a)(2) (domestic violence) and that may require an appearance if ordered by the judicial officer per Penal Code 977(a)(3) (misdemeanor DUIs). In addition, I have not been able to find any provision in the Penal Code that permits arraignments to be conducted without a court appearance, nor have I identified any other California court that permits this practice for an initial arraignment.</p> <p><b>Current Rule:</b></p> <p><u>Rule 9.4 Written Arraignments</u></p> <p style="padding-left: 40px;">The attorney for a non-custody misdemeanor defendant may waive the formalities of arraignment, enter a not guilty plea and set the matter for pretrial hearing and trial, or for pretrial hearing, as may be appropriate, by personally appearing at the clerk’s office of the designated branch at least two court days prior to the date set for the first appearance and by executing on behalf of the defendant, a written document to that effect on a form provided by the court.</p> <p style="text-align: center;">(Adopted, effective July 1, 1996) (Amended, effective July 1, 2003)</p>
<b>Proposed Changes</b> (Insert any new text in <b>bold and italicized font</b> . Strike through any deleted text.)	<p><u>R Rule 9.4 Written Arraignments</u></p> <p style="text-align: center;"><b><i>REPEALED</i></b></p> <p style="text-align: center;">(Adopted, effective July 1, 1996) (Amended, effective July 1, 2003) <b><i>(REPEALED, effective July 1, 2024)</i></b></p>

**Title LOCAL RULE 2.36 Public Access and Privacy**

**Discussion**

To correct out of Date reference to Rule of Court. Local Rule 2.36 refers to Rule of Court 1.20 that has been changed and no longer includes language related to public access and privacy. The new Rule of Court is 1.201 that provides:

**Rule 1.201. Protection of privacy**

**(a) Exclusion or redaction of identifiers**

To protect personal privacy and other legitimate interests, parties and their attorneys must not include, or must redact where inclusion is necessary, the following identifiers from all pleadings and other papers filed in the court's public file, whether filed in paper or electronic form, unless otherwise provided by law or ordered by the court:

- (1) Social security numbers. If an individual's social security number is required in a pleading or other paper filed in the public file, only the last four digits of that number may be used.
- (2) Financial account numbers. If financial account numbers are required in a pleading or other paper filed in the public file, only the last four digits of these numbers may be used.

**(b) Responsibility of the filer**

The responsibility for excluding or redacting identifiers identified in (a) from all documents filed with the court rests solely with the parties and their attorneys. The court clerk will not review each pleading or other paper for compliance with this provision.

**(c) Confidential reference list**

If the court orders on a showing of good cause, a party filing a document containing identifiers listed in (a) may file, along with the redacted document that will be placed in the public file, a reference list. The reference list is confidential. A party filing a confidential reference list must use *Confidential Reference List of Identifiers* (form MC-120) for that purpose. The confidential list must identify each item of redacted information and specify an appropriate reference that uniquely corresponds to each item of redacted information listed. All references in the case to the redacted identifiers included in the confidential reference list will be understood to refer to the corresponding complete identifier. A party may amend its reference list as of right.

**(d) Scope**

The requirements of this rule do not apply to documents or records that by court order or operation of law are filed in their entirety either confidentially or under seal.

*Rule 1.201 adopted effective January 1, 2017.*

<p><b>Proposed Changes</b> (Insert any new text in <i>bold and italicized font</i>. Strike through any deleted text.)</p>	<p>Rule 2.36 Public Access and Privacy</p> <p>Please reference. California Rules of Court, <del>Rule 1.20. (Adopted, effective January 1, 2008)</del> <b><i>Rule 1.201. Adopted, effective January 1, 2017</i></b></p>

**Title** Local Rule 3.1202(c)

**Discussion**

**Current Rule:**

Rule 3.1202 Ex Parte Applications in Unlawful Detainer Actions.

(a) Ex parte applications in Unlawful Detainer actions are heard by the Civil Judge assigned to that Unlawful Detainer case. The Department of each Civil Judge is available for ex parte applications two days per week at 1:30 p.m. Parties and their counsel must check the Court’s website at [www.sanmateocourt.org](http://www.sanmateocourt.org) under the Civil Departments section for the specific days of the week when ex partes are heard by the assigned Civil Judge.

(b) Uncontested ex parte applications in Unlawful Detainer actions, which do not require a hearing, may be heard and determined by the Civil Commissioner. Good cause appearing, the Civil Commissioner may, and is authorized to, determine and enter orders on uncontested ex parte applications/motions/requests, which do not involve the adjudication of any issue of disputed law or fact by the Civil Commissioner.

(c) Regardless of any stipulation of the parties to the contrary, any request for entry of judgment pursuant to stipulation of settlement, on the basis that the opposing party breached the stipulation of settlement, shall be filed as a noticed motion for entry of judgment pursuant to CCP Section 664.6, and set for hearing before the assigned Civil Judge; or may be presented as an ex parte application before the assigned Civil Judge if the requesting party is only seeking a judgment of possession (but no monetary award). Any provision in a stipulation of the parties, instead, to have the issue of breach of a stipulation of settlement adjudicated by evidentiary hearing before the Civil Commissioner is deemed void; and will not be calendared for such evidentiary hearing.

(d) Except 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 Civil Judge. Ex parte applications and proof of payment must be received directly by the courtroom clerk for the Department no later than 15 minutes from the time set for ex parte hearings.

(e) Ex parte applications, ex parte oppositions, and all other ex parte filings in Unlawful Detainer actions on contested or potentially contested applications/requests/motions must be submitted and filed in paper form, and cannot be electronically filed. Failure to present a proposed order at the time of presentation of the ex parte application will result in denial of the ex parte application.

(f) Uncontested ex parte applications in Unlawful Detainer actions that do not require notice or hearing may be electronically filed.

(g) Ex parte applicants and opponents must appear in person on contested or potentially contested applications/requests/motions, subject to the exceptions set forth in CRC Rule 3.1207, as ex parte remote appearances cannot be accommodated at the present time.

(Adopted, effective January 1, 2021) (Amended, effective July 1, 2023).

**Proposed Changes**

(Insert any new text in **bold and italicized font.**

Strike through any deleted text.)

Rule 3.1202 Ex Parte Applications in Unlawful Detainer Actions.

...

(c) ~~Regardless of any stipulation of the parties to the contrary, any A~~ request for entry of judgment pursuant to stipulation of settlement, on the basis that the opposing party breached the stipulation of settlement, shall be filed as a noticed motion for entry of judgment pursuant to CCP Section 664.6, and set for hearing before the assigned Civil Judge; or may be presented as an ex parte application before the assigned Civil Judge if the requesting party is only seeking a judgment of possession (but no monetary award). ~~Any provision in a stipulation of the parties, instead, to have the issue of breach of a stipulation of settlement adjudicated by evidentiary hearing before the Civil Commissioner is deemed void; and will not be calendared for such evidentiary hearing.~~ ***If the parties so stipulate to the Civil Commissioner as a Temporary Judge, then such requests may be submitted to the Civil Commissioner for hearing.***

...

(Adopted, effective January 1, 2021) (Amended, effective July 1, 2023)  
*(Amended, effective July 1, 2024).*