

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



**LOCAL COURT  
RULES**

**As Amended  
Effective January 1, 2024**

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO  
Hall of Justice and Records  
400 County Center, 2<sup>nd</sup> Floor  
Redwood City, California 94063**

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**LOCAL COURT RULES  
FILING INSTRUCTIONS  
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Please update your Superior Court of California, County of San Mateo Local Rules Binder by removing and inserting the attached amendments by following these instructions:

	<b>REMOVE THESE EXISTING PAGES</b>	<b>INSERT THESE NEW PAGES</b>
1.	From the front of the binder a) Cover Page b) Filing Instructions c) List of Currently Effective Rules	a) Cover Page b) Filing Instructions c) List of Currently Effective Rules
2.	Division II (200-210) Division III (300-323) Division VI (600-609) (w/ TOC) Alphabetical Index	Division II (200-210) Division III (300-323) Division VI (600-609) (w/ TOC) Alphabetical Index

**Revisions effective January 1, 2024**

The following are the sections revised that become effective on January 1, 2024:

- Cover Page
- Filing Instructions
- List of Currently Effective Rules
- Division II
- Division III
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- Alphabetical Index

**Revisions effective July 1, 2023**

The following are the sections revised that become effective on July 1, 2023:

- Cover Page
- Filing Instructions
- List of Currently Effective Rules
- Division III
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- Division V, Appendix 2
- Attachment I-Local Court Forms
- Alphabetical Index

**Revisions effective January 1, 2023**

The following are the sections revised that become effective on January 1, 2023:

- Cover Page
- Filing Instructions
- List of Currently Effective Rules
- Division II (w/ TOC)
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**Revisions effective July 1, 2022**

The following are the sections revised that become effective on July 1, 2022:

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**Revisions effective January 1, 2022**

The following are the sections revised that become effective on January 1, 2022:

Cover Page  
Filing Instructions  
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Division I  
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**Revisions effective July 1, 2021**

The following are the sections revised that become effective on July 1, 2021:

Cover Page  
Filing Instructions  
List of Currently Effective Rules  
Division I  
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**Revisions effective January 1, 2021**

The following are the sections revised that become effective on January 1, 2021:

Cover Page  
Filing Instructions  
List of Currently Effective Rules  
Division II  
Division III

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Division VI  
Division VIII  
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**Revisions effective July 1, 2020**

The following are the sections revised that become effective on July 1, 2020:

Cover Page  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Division II  
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**Revisions effective January 1, 2020**

The following are the sections revised that become effective on January 1, 2020:

Cover Page  
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Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Local Court Forms  
Alphabetical Index  
Division I  
Division II  
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**Revisions effective July 1, 2019**

The following are the sections revised that become effective on July 1, 2019:

Cover Page  
Table of Contents  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Division II  
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**Revisions effective January 1, 2019**

The following are the sections revised that become effective on January 1, 2019:

Cover Page  
Filing Instructions

Superior Court of California, County of San Mateo

Table of Contents  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Division II  
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### **Revisions effective July 1, 2018**

The following are the sections revised that become effective on January 1, 2018:

Cover Page  
Table of Contents  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Division II  
Division III  
Division IV  
Division V

### **Revisions effective January 1, 2018**

The following are the sections revised that become effective on January 1, 2018:

Cover Page  
Table of Contents  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Division IV

### **Revisions effective July 1, 2017**

The following are the sections revised that become effective on July 1, 2017:

Cover Page  
Table of Contents  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Division II  
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### **Revisions effective January 1, 2017**

The following are the sections revised that become effective on January 1, 2017:

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List of Currently Effective Rules  
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### **Revisions effective January 1, 2016**

The following are the sections revised that become effective on January 1, 2016:

Cover Page and Update Instructions  
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Summary of Changes  
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### **Revisions effective July 1, 2015**

The following are the sections revised that become effective on July 1, 2015:

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### **Revisions effective January 1, 2015**

The following are the sections revised that become effective on January 1, 2015:

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### **Revisions effective January 1, 2014**

The following are the sections revised that become effective on January 1, 2014:

Cover Page and Update Instructions  
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Superior Court of California, County of San Mateo

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**Revisions effective July 1, 2013**

The following are the sections revised that become effective on July 1, 2013:

Cover Page and Update Instructions  
Table of Contents  
Filing Instructions  
Summary of Changes  
List of Currently Effective Rules  
Alphabetical Index  
Division IV  
Division V  
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**Revisions effective January 1, 2013**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions  
Table of Contents  
Summary of Changes  
Filing Instructions  
List of Currently Effective Rules  
Alphabetical Index  
Division II  
Division III  
Division IV  
Division V (Table of Contents and pages 400-452 with revised Table of Contents and pages 400-452)  
Division VI (Table of Contents and pages 500-528 and all Appendices 1 and 2 with revised Table of Contents and pages 500-528 and all Appendices 1 and 2)  
Division XI  
Attachment "I" Local Court Forms (New) – insert at the end of the set of the Local Court Rules

**Revisions effective July 1, 2012**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions  
Table of Contents  
Summary of Changes  
Filing Instructions  
List of Currently Effective Rules  
Alphabetical Index  
Division IV (Table of Contents and pages 400-452 with revised Table of Contents and pages 400-452)



Superior Court of California, County of San Mateo

Division V (Table of Contents and pages 500-528 and all Appendices 1 and 2 with revised  
Table of Contents and pages 500-528 and all Appendices 1 and 2)

Attachment “I” Local Court Forms (New) – insert at the end of the set of the Local Court  
Rules

### **Revisions effective January 1, 2012**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Division II (Table of Contents and pages 200 to 216 with revised Table of Contents and  
pages 200 to 217)

Division IV (Table of Contents and pages 400-452 with revised Table of Contents and  
pages 400-452)

Division V (Table of Contents and pages 500-528 and all Appendices 1 and 2 with revised  
Table of Contents and pages 500-528 and all Appendices 1 and 2)

### **Revisions effective July 1, 2011**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Division II (Table of Contents and pages 200 to 216)

Division IV (Table of Contents and pages 400-451 with revised Table of Contents and  
pages 400-452)

Division V (Table of Contents and pages 500-529 and all Appendices 1 and 2)

### **Revisions effective January 1, 2011**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Division IV (Table of Contents and pages 400-451 with revised Table of Contents and  
pages 400-452)

Division V (Table of Contents and pages 500-528 and all Appendices 1 and 2 with revised  
Table of Contents and pages 500-528 and Appendices 1 and 2).

### **Revisions effective July 1, 2010**

Superior Court of California, County of San Mateo

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Division IV (Table of Contents and pages 400-451 with revised Table of Contents and pages 400-452)

Division V (Table of Contents and pages 500-528 and all Appendices 1 and 2 with revised Table of Contents and pages 500-528 and Appendices 1 and 2).

Division VIII (Table of Contents and pages 800-801)

**Revisions effective January 1, 2010**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Introduction (remove pages 1 to 4 and replace with new pages 1 to 4)

Division II (Table of Contents and pages 200-216 with revised Table of Contents and pages 200-216)

Division V (Table of Contents and pages 500-528 and all Appendices 1 through 6 with revised Table of Contents and pages 500-528 and Appendices 1 and 2).

**Revisions effective July 1, 2009**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Division I (Table of Contents and pages 100-107 with revised Table of Contents and pages 100-107)

Division IV (Revised Table of Contents and pages 400-452 with new materials)

Division V (Replace Appendix "I" Local Court form FL-3 (2 pages) with the revised Local Court Form FL-3 (2 pages) revised 1/1/2009).

Division IX (replace Table of Contents and pages 900- 903 with Revised Table of Contents and pages 900-903)

**Revisions effective January 1, 2009**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Superior Court of California, County of San Mateo

Table of Contents  
Summary of Changes  
Filing Instructions  
List of Currently Effective Rules  
Alphabetical Index  
Division I (Revised Table of Contents and Rules text)  
Division II (replace page 209)  
Division IV (Revised Table of Contents and pages 400-452 with new materials)  
Division V (Revised Table of Contents and pages 500-528))  
Division X (replace Table of Contents and page 1000 with Revised Table of Contents and pages 1000-1001)  
Division XI (replace Table of Contents and pages 1100-1106 with Revised Table of Contents and pages 1100-1104).

**Revisions effective July 1, 2008**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions  
Table of Contents  
Summary of Changes  
Filing Instructions  
List of Currently Effective Rules  
Alphabetical Index  
Division III (replace page 3.1, minor change to Rule 3.7 citations)  
Division IV (Revised Table of Contents and Rules text)  
Division V (Revised Table of Contents and Rules text)

**Revisions effective January 1, 2008**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions  
Table of Contents  
Summary of Changes  
Filing Instructions  
List of Currently Effective Rules  
Alphabetical Index  
Division II (Revised Table of Contents and Rules text)  
Division III (Revised Table of Contents and Rules text)  
Division IV (Revised Table of Contents and Rules text)  
Division V (Revised Table of Contents and Rules text)  
Division IX (Revised Table of Contents and Rules text)  
Division XI (Revised Table of Contents and Rules text)

**Revisions effective July 1, 2007**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions  
Table of Contents  
Summary of Changes  
Filing Instructions

Superior Court of California, County of San Mateo

List of Currently Effective Rules

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Division III (Revised Table of Contents and Rules text)

Division V (Revised Table of Contents and Rules text)

**Revisions effective January 1, 2007**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Update Instructions

Table of Contents

Summary of Changes

Filing Instructions

List of Currently Effective Rules

Alphabetical Index

Introduction and Rules 0.1 to 0.9

Division II (Revised Table of Contents and Rules text)

Division III (Revised Table of Contents and Rules text)

Division IV (Revised Table of Contents and Rules text)

Division V (Revised Table of Contents and Rules text)

Division VI (Revised Table of Contents and Rules text)

Division III (Revised Table of Contents and Rules text)

Division IX (Revised Table of Contents and Rules text)

Division X (Revised Table of Contents and Rules text)

Division XI (Revised Table of Contents and Rules text)

**Revisions effective July 1, 2006**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Filing Instructions

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Division IV (Revised Table of Contents and Rules text)

Division IX (Revised Table of Contents and Rules text)

**Revisions effective January 1, 2006**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Filing Instructions

Table of Contents

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Alphabetical Index

List of Currently Effective Rules and Alphabetical Index

Division II (Revised Table of Contents and Rules text)

Division V (Revised Table of Contents and Rules text)

**Revisions effective July 1, 2005**

To update your Local Court Rules please replace the following sections and pages:

Filing Instructions

Superior Court of California, County of San Mateo

Cover Page and Filing Instructions

Table of Contents

Summary of Changes

Alphabetical Index

List of Currently Effective Rules and Alphabetical Index

Division II (Revised Table of Contents and Rules text)

Division III (Revised Table of Contents and Rules text)

Division IV (Revised Table of Contents and Rules text)

Division V (Revised Table of Contents and Rules text)

Division VIII (Revised Table of Contents, Rules text and Appendices I through VI)

Division IX (Revised Table of Contents and Rules text)

Division XI (Revised Table of Contents and Rules text)

**Revisions effective January 1, 2005**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Filing Instructions

Table of Contents

Summary of Changes

Alphabetical Index

List of Currently Effective Rules and Alphabetical Index

Division II (Revised Table of Contents and Rules text)

Division IV (Revised Table of Contents and Rules text)

Division V (Revised Table of Contents and Rules text)

Division VIII (Revised Table of Contents, Rules text and Appendices I through VI)

Division X (Revised Table of Contents and Rules text)

**Revisions effective July 1, 2004**

To update your Local Court Rules please replace the following sections and pages:

Cover Page and Filing Instructions

Table of Contents

Summary of Changes

Alphabetical Index

List of Currently Effective Rules and Alphabetical Index

Division II (Revised Table of Contents and Rules text)

Division IV (Revised Table of Contents and Rules text)

Division V (Revised Table of Contents and Rules text)

**Revisions effective January 1, 2004**

To update your Local Court Rules, please replace the following sections and pages:

Summary of Changes

Filing Instructions

List of Effective Rules and Alphabetical Index

Division V-Table of Contents and Rules, Replace entire section

**Revisions effective July 1, 2003**

To update your Local Court Rules, please replace the following sections and pages:

Filing Instructions

Superior Court of California, County of San Mateo  
List of Effective Rules and Alphabetical Index  
Division II-Table of Contents, Replace entire section  
Division IV – Table of Contents; Replace entire section  
Division V – Table of Contents; Replace entire section  
Division IX – Table of Contents; Replace entire section

**Revisions effective January 1, 2003**

To update your Local Court Rules, please replace the following sections and pages:

List of Effective Rules and Alphabetical Index  
Introduction Section – Replace entire section  
Division II-Table of Contents, Replace entire section  
Division IV – Table of Contents; Replace entire section  
Division V – Table of Contents; Replace entire section  
Division IX – Table of Contents; replace page 901 with new page 901

**Revision effective January 1, 2002**

Replace Rules List, Alphabetical Index, Introduction Division II index and pages 208-211, and Division VIII index and pages 801-802.

**Revision effective January 1, 2000**

Replace Rules List, Alphabetical Index, Divisions II, III, IV and V

**Revision effective July 1, 1997**

Replace Introduction Index, Page 4; Replace page 7 of Introduction

**Revision effective January 1, 1997**

Replace Division XI Index, Page 1; Replace Page 1100/1101 in Division XI.

**Revisions effective July 1, 1996**

To update your Local Rules of Court, please replace entirely all existing Rules of both the Superior Court and the Municipal Court of San Mateo County.

**LIST OF CURRENTLY EFFECTIVE RULES  
January 1, 2024**

**INTRODUCTION**

- Important Instructions for Using These Rules (Amended 1/1/2010)
- Rule 0.1 Adoption and Amendment of Rules (Eff. 7/1/96)
- Rule 0.2 Sanctions (Eff. 7/1/96) (Amended, Eff 1/1/07)
- Rule 0.3 Court Security (Eff. 7/1/96)
- Rule 0.4 Reserved
- Rule 0.5 Civil Appeals Fees (Eff. 7/1/96) (Amended, Eff 1/1/07)
- Rule 0.6 REPEALED[Court Consolidation and Coordination]  
(Eff. 7/1/96)(Repealed 1/1/2002)
- Rule 0.7 Court Designation/Caption (Eff. 7/1/96)(Amended 1/1/2002)
- Rule 0.8 Contents of Proof of Service (Eff. 7/1/96) (Amended, Eff 1/1/07)
- Rule 0.9 Standing Orders (Eff. 7/1/97)(Amended 1/1/2003)

**DIVISION I - RULES ON APPEAL TO THE APPELLATE DEPARTMENT**

**CHAPTER I. APPELLATE DEPARTMENT RULES**

- Former Rule 1.1 Sessions (Eff. 7/1/96) (Repealed, eff. 1/1/09)
- Former Rule 1.2 Briefs (Eff. 7/1/96) (Repealed, eff. 1/1/09)
- Former Rule 1.3 Decisions (Eff. 7/1/96) (Repealed, eff. 1/1/09)
- Former Rule 1.4 Rehearing and Finality of Judgments (Eff. 7/1/96) (Repealed, eff. 1/1/09)
- Rule 1.0 General Provisions (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.1 Notice of Appeal (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.2 Stay Orders (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.3 Appointed Counsel in Misdemeanor Appeals (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.4 Record on Appeal (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09) (Amended, eff 1/1/20) (Amended, eff 7/1/21)
- Rule 1.5 Briefs (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09) (Amended, eff. 1/1/22)
- Rule 1.6 Oral Argument (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.7 Decision (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.8 Applications and Motions (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 1.9 Extensions and Relief from Default (Adopted, eff. 1/1/09)  
(Amended, eff. 7/1/09)
- Rule 1.10 Writs (Adopted, eff. 1/1/09) (Amended, eff. 7/1/09)

**DIVISION II - COURT MANAGEMENT - SUPERIOR COURT**

**CHAPTER 1. FORM AND SERVICE OF PAPERS**

- Rule 2.0 Transfer of Court-Related Functions of the  
County Clerk to the Superior Court (Eff. 7/1/96)
- Rule 2.1 Form of Papers Presented for Filing (Eff. 7/1/96) (Amended, Eff 1/1/07)  
(Amended, eff 1/1/20)

## Superior Court of California, County of San Mateo

- Rule 2.1.1 REPEALED [Authority From Non-California Jurisdictions (Eff. 7/1/96)] (Eff 1/1/2000)
- Rule 2.1.2 REPEALED [Requests for Judicial Notice (Eff. 7/1/96)] (Eff 1/1/2000)
- Rule 2.1.3 California Environmental Quality Act (CEQA)(Eff 1/1/99)(Amended, Eff 1/1/17)
- Rule 2.1.4 Documents Produced Through a Nonparty (Eff. 1/1/2000)
- Rule 2.1.5 Permissive Electronic Filing of Documents – Civil Complex Cases (NEW) (Adopted, eff. 1/1/2014)(Amended, Eff 1/1/17)(Amended, Eff. 7/1/17)(Amended, Eff. 1/1/19) (Amended, Eff. 7/1/19) (Amended, eff 1/1/20) (Amended, eff 7/1/20) (Amended, eff 7/1/21) (Amended, eff 1/1/22)
- Rule 2.1.6 Attaching Photographs to Filed Documents
- Rule 2.1.7 Mandatory Electronic Filing of Documents (Adopted 1/1/20) (Amended, eff 7/1/20) (Amended, eff 7/1/21) (Amended, eff 1/1/22)
- Rule 2.1.8 Documents That Cannot Be Electronically Filed (Adopted 1/1/20) (Amended, eff 7/1/20) (Amended, eff 7/1/21)

## CHAPTER 2. CIVIL TRIAL COURT MANAGEMENT RULES

### PART 1. MANAGEMENT DUTIES

- Rule 2.2 REPEALED [Trial Court Management (Eff. 1/1/2000)] (Amended, Eff 1/1/07) (Eff 1/1/2021)

### PART 2. CASEFLOW MANAGEMENT

- Rule 2.3 REPEALED [New Case Management (Eff. 7/1/96)] (Amend 1/1/2000) (Amended 1/1/2003) (Amended 1/1/05) (Amended 1/1/06) (Amended, Eff 1/1/07)(Amended 1/1/2010)(Amended, Eff 1/1/17)(Amended, Eff 7/1/17) (Amended, eff 1/1/20) (Eff 1/1/2021)
- Rule 2.3.1 REPEALED Orders to Show Cause re: Dismissals (Eff. 1/1/2000)(Amended 1/1/2003) (Eff 1/1/2021)
- Rule 2.4 REPEALED Settlement Conferences (Eff. 7/1/96)(Amended 1/1/2003)(Amended 7/1/2003) (Eff 1/1/2021) (Amended, 7/1/05) (Amended, Eff 1/1/07) (Amended, eff. 1/1/09)

### PART 3. CALENDAR MANAGEMENT

- Rule 2.5 REPEALED Trial Date Settlement Conferences (Eff. 7/1/96) (Eff 1/1/2021)
- Rule 2.6 REPEALED. [Refund of Jury Fees: Duty to notify Court] (Eff. 7/1/96) (Repealed, Eff. 7/1/04, renumbered 2.7.6)

## CHAPTER 3. [RESERVED]

## CHAPTER 4. JURY RULES

- Rule 2.7 Length of Jury Service (Eff. 1/1/2000) (Amended, Eff 1/1/07)
- Rule 2.7.1 Proposed Jury Instructions (Eff. 7/1/96)(Amended 1/1/2002) (Amended 1/1/2005) (Amended 1/1/06) (Amended, Eff 1/1/07)
- Rule 2.7.2 Duty of Counsel with Respect to Jury Instructions (Eff. 1/1/2000) (Amended 1/1/2005) (Amended 1/1/06)(Amended 1/1/2010)
- Rule 2.7.3 Form of Proposed Jury Instructions (Eff. 1/1/2000) (Amended 1/1/2006) (Amended, Eff 1/1/07)
- Rule 2.7.4 Changing Jury Instructions (Eff. 1/1/2000)
- Rule 2.7.5 Jury Instruction Conference (Eff. 1/1/2000)



Superior Court of California, County of San Mateo

- Rule 2.7.6 Refund of Jury Fees: Duty to notify Court (Eff. 7/1/04)(REPEALED, Eff. 1/1/2013)  
Rule 2.7.7 Juror Questionnaires – preparation, approval and printing (Eff. 1/1/2012)

CHAPTER 5. GENERAL RULES

- Rule 2.8 Family Law Rules (Eff 7/1/96)  
Rule 2.9 Required Action (Eff 7/1/96)  
Rule 2.10 Interpreters and Translators (Eff. 1/1/2000)  
Rule 2.11 Return of Exhibits in Civil Cases (Eff. 7/1/2011)  
**Rule 2.12 *AMENDED Court Reporter Availability in Civil Actions (Adopted 1/1/20) (Amended, effective 7/1/22) (Amended, effective 1/1/23) (Amended, effective 1/1/24)***  
Rule 2.13 Policy Against Bias (Eff. 7/1/2022) (Amended, effective 1/1/23)  
Rule 2.14 to 2.19 Reserved (Eff. 7/1/2022)

CHAPTER 6. CIVIL TRIAL RULES

- Rule 2.20 Trial Motions, Briefs, Statements, and Witness Lists (Eff. 1/1/2002)  
Rule 2.21 In Limine Motions (Eff. 1/1/2002)  
Rule 2.22 Production of Exhibits (Eff. 1/1/2002)

RULES 2.23 THROUGH 2.29 RESERVED

CHAPTER 7. COMPLEX CASES

- Rule 2.30 REPEALED Determination of Complex Case Designation (Adopted, Effective 7/1/2004)  
Amended, effective 7/1/2005) (Amended 1/1/06)(Amended, effective 1/1/07)  
(Amended, effective 7/1/2015) (Eff 1/1/2021)

CHAPTER 8. ACCESS TO COURT RECORDS

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- Rule 2.36 Public Access and Privacy (Adopted, eff 1/1/08)  
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- Rule 3.2.1 REPEALED Law and Motion Calendars (Eff. 1/1/2000) (Amended, effective July 1, 2015) (Amended, eff 1/1/20) (Eff 1/1/2021)  
Rule 3.2.2 REPEALED Law and Motion Hearings (Adopted 1/1/20) (Eff 1/1/2021)  
Rule 3.3 Form of Papers (Eff. 1/1/2000) (Amended, Eff 1/1/07) (Amended, eff 1/1/20)  
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Rule 3.5 Declarations and Affidavits (Effective 1/1/2000) (Amended, Eff 1/1/07)

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Rule 3.6 Judicial Notice (Eff. 1/1/2000) (Amended, Eff 1/1/07)

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- Rule 3.7 Notice of Hearing and Filing of Papers (Eff. 1/1/2000) (Amended, Eff 1/1/07, 7/1/08)
- Rule 3.8 List of Parties (Eff. 1/1/2000) (Amended, Eff 1/1/07)
- Rule 3.9 Continuances and Taking Matters Off Calendar (Eff. 1/1/2000) (Amended, Eff 1/1/07) (Amended, eff 1/1/20) (Eff 1/1/2021)
- Rule 3.10 Tentative Rulings (Eff. 1/1/2000) (Amended, Eff 1/1/07)(Amended, Eff 7/1/07) (Amended, effctv January 1, 2014) (Amended, eff 1/1/20) (Eff 1/1/2021) (Amended, eff 7/1/21)
- Rule 3.11 REPEALED Opposition on Ground of Unavailability of Evidence (Eff.7/1/96) (Eff 1/1/2021)
- Rule 3.12 Evidence at Hearing (Eff. 1/1/2000) (Amended, Eff 1/1/07)
- Rule 3.13 REPEALED CourtCall Telephonic Appearances (Eff. 1/1/2000)(Amended 7/1/05) (Amended, Eff 1/1/07) (Amended effective 1/1/08) (Eff 1/1/2021)

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- Rule 3.14 REPEALED Motions for Summary Judgment and Summary Adjudication (Eff. 1/1/2000) (Amended, Eff 1/1/07) (Eff 1/1/2021)
- Rule 3.15 REPEALED Unlawful Detainers (Eff. 1/1/2000) (Amended, Eff. 1/1/13) (Amended, Eff. 1/1/15) (Eff 1/1/2021)
- Rule 3.16 REPEALED Motions to Continue Arbitration (Eff. 1/1/2000) (Amended, Eff 1/1/07) (Eff 1/1/2021)
- Rule 3.17 Motions After Trial (Eff 1/1/96) (Amended, eff 1/1/20)
- Rule 3.18 Motions to Reconsider (Eff 1/1/2000) (Eff 1/1/2021)
- Rule 3.19 Ex Parte Applications and Orders (Eff. 1/1/2000) (Amended, Eff 1/1/07) (Amended, Eff 1/1/19) (Amended, eff 1/1/20) (Eff 1/1/2021) (Amended, eff 7/1/21)

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- Rule 3.100 Application (Eff 1/1/2021)

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- Rule 3.300 Complex Case Designations (Eff 1/1/2021) (Amended, eff 1/1/22)

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- Rule 3.401 Matters Not Heard in Civil Law and Motion Calendar (Eff 1/1/2021) (Amended, eff 7/1/21)
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- Rule 3.403** ***AMENDED Tentative Rulings in Civil Law and Motion (Eff 1/1/2021) (Amended, eff 1/1/24)***

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- Rule 3.404 Off Calendar or Continuance of Civil Law & Motion Matters (Eff 1/1/2021)
- Rule 3.500 Ex Parte Applications in General Civil Actions and Unlawful Detainer Actions (Eff 1/1/2021) (Amended, eff 1/1/22) (Amended, eff 7/1/23)
- Rule 3.600 Correspondence with Civil Departments (Eff 1/1/2021) (Amended, eff 7/1/23)
- Rule 3.700 Informal Discovery Conferences in General Civil Actions (Eff 1/1/2021) (Amended, eff 7/1/21) (Amended, eff 7/1/22) (Amended, eff 7/1/23)

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- Rule 3.801 Setting of the Initial Case Management Conference (Eff 1/1/2021) (Amended, eff 7/1/21)
- Rule 3.802 Petitions for Writ and CEQA Actions (Eff 1/1/2021) (Amended, eff 7/1/21)
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- Rule 3.901 ADR Policy (Eff 1/1/2021)
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Rule 3.1500 CourtCall Telephonic Appearances (Eff 1/1/2021)  
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- Rule 4.2 Hearing (Eff. 7/1/96)(Amended 1/1/2003; eff. 7/1/2004, (Amended, eff. 7/1/06) (Amended, Eff 1/1/07) (Amended, eff 7/1/21) (Amended, effective 1/1/23)
- Rule 4.3 Probate Trials and Contested Matters (Adopted, effective 1/1/23)
- Rule 4.4 Length of Hearing (Eff. 7/1/96)(Amend Eff 1/1/2000)(Amended, eff. 7/1/2004)(Amended Eff. 7/1/09) (Amended, effctv January 1, 2014) (Amended, effective 1/1/23)
- Rule 4.5 Non-Appearance (Eff. 7/1/96)(Amended, eff 7/1/2004)
- Rule 4.6 Appearance (Eff. 7/1/96)(Amend Eff 1/1/2000, eff 7/1/2004)(Amend, eff 1/1/2011, eff. 7/1/12)(Amended, effective 1/1/18) (Amended, effective 1/1/23)
- Rule 4.7 Ex Parte Matters (Eff. 7/1/96)(Amend Eff 1/1/2000, eff 7/1/2004) (Amended, Eff 1/1/07) (Amended, eff 7/1/22)

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- Rule 4.8 Caption (Eff. 7/1/96) (Amended, eff 7/1/2004) (Amended, Eff 1/1/07) (Amended, eff 7/1/21)
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- Rule 4.11 Accounts (Eff. 7/1/96) (Repealed, eff 7/1/2004)
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- Rule 4.14 Allegations in Support of Showing of Community Property (Eff. 7/1/96) (Amended, eff 7/1/2004)
- Rule 4.14.1 Spousal Property Petition Filed with Petition for Probate (Adopted, eff 7/1/2004)
- Rule 4.15 Fees (Eff. 7/1/96) (Amended, Eff 7/1/2004)
- Rule 4.16 Election of Surviving Spouse to Administer Property (Eff. 7/1/96) (Amended, eff 7/1/2004)

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- Rule 4.17 Appointment of Special Administrator (Eff. 7/1/96) (Amended, eff 7/1/2004) (Amended, eff. 1/1/09)
- Rule 4.18 Petition for Probate of Will and Letters of Administration (Eff. 7/1/96) (Amended, eff 7/1/2004)
- Rule 4.18.1 Holographic Will (Eff 7/1/2004, formerly rule 4.18(a))
- Rule 4.18.2 Foreign Wills (Eff 7/1/2004), formerly rule 4.18 (a)
- Rule 4.18.3 Attachment 9 to Petition for Probate, (Eff 7/1/2004), formerly rule 4.18(c)) (Amended, Eff 1/1/07)
- Rule 4.18.4 Supplement to Petition for Probate (Adopted eff. 7/1/21)
- Rule 4.19 Notice Requirements (Eff. 7/1/96) (Amended, eff 7/1/2004)

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- Rule 4.19.1 Service of Notice (Adopted, eff 7/1/2004 [formerly Rule 4.19(b)])
- Rule 4.19.2 Publication (Adopted, eff 7/1/2004 [formerly Rule 4.19(c)])
- Rule 4.20 Proof of Wills (Eff. 7/1/96) (Amended, eff 7/1/2004)
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### CHAPTER 5. BOND

- Rule 4.23 REPEALED Evidence as to Amount of Bond (Eff. 7/1/96) (Repealed, eff 7/1/2004)
- Rule 4.24 When Bond Is Not Required (Eff. 7/1/96) (Amended, eff 7/1/2004)
- Rule 4.24.1 Statement of Waiver in Petition (Adopted, eff 7/1/2004)
- Rule 4.24.2 Two or More Personal Representatives (Adopted, eff 7/1/2004)
- Rule 4.24.3 Separate Bonds for Individuals (Adopted, eff 7/1/2004)
- Rule 4.24.4 Independent Power to Sell Real Property (Adopted, eff 7/1/2004)
- Rule 4.25 Nonresident Executors or Administrators (Eff. 7/1/96) (Amended, eff 7/1/2004) (Amended, eff 7/1/21) (Amended, eff 1/1/22)
- Rule 4.26 Reducing Bond (Eff. 7/1/96) (Amended, eff 7/1/2004)
- Rule 4.26.1 Withdrawn Funds From Blocked Account (Adopted, eff 7/1/2004 [formerly Rule 4.26])
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- Rule 4.29 Preparing Inventory and Appraisal (Eff. 7/1/96) (Amended, eff 7/1/2004)
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- Rule 4.34 Approval by the Court (Eff. 7/1/96) (Amended, eff 7/1/2004)
- Rule 4.35 REPEALED Rejection of Claims by Personal Representative (Eff. 7/1/96) (Repealed, eff 7/1/2004)
- Rule 4.36 Funeral and Interment Claims (Eff. 7/1/96) (Amended, eff 7/1/2004)
- Rule 4.37 Claims of Personal Representatives (Eff. 7/1/96) (Amended, eff 7/1/2004)
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- Rule 4.40 Exclusive Listings for Sale of Property (Eff. 7/1/96)

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- Rule 4.41 Tangible Personal Property (Probate Code Sections 10250-10264) (Eff. 7/1/96)
- Rule 4.42 Securities (Eff. 7/1/96)
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PART III. RETURN OF SALES OF REAL PROPERTY

- Rule 4.44 Publication of Notice of Intention to Sell Real Property (Eff. 7/1/96)(Amend Eff 1/1/2000)
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- Rule 4.49 REPEALED Summary of Account Form (Eff. 7/1/96) (Repealed, eff 7/1/2004)
- Rule 4.50 REPEALED Contents of Account (Eff. 7/1/96)(Amend Eff 1/1/2000) (Repealed, eff 7/1/2004)
- Rule 4.51 REPEALED Reporting Income and Principal (Eff. 7/1/96) (Repealed, eff 7/1/2004)
- Rule 4.52 REPEALED Allegations re Sufficiency of Bond (Eff. 7/1/96) (Repealed, eff 7/1/2004)
- Rule 4.53 REPEALED Trustee's First Account (Eff. 7/1/96) (Repealed, eff 7/1/2004)
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- Rule 4.72 Determining Title to Real or Personal Property(Section 9860) (Eff. 7/1/96)
- Rule 4.73 Substitution or Withdrawal of Attorney (Eff. 7/1/96)
- Rule 4.74 Obtaining Final Discharge (Eff. 7/1/96)
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- Rule 4.76 Temporary Conservatorships (Eff. 7/1/96) (Amended, eff 7/1/2004)(Amended, eff. 7/1/2006) (Amended, Eff 1/1/07) (Amended, eff. 1/1/09) (Amended, eff. 7/1/09) (Amended, Eff. 1/1/2012) (Amended, eff 1/1/20) (Amended, eff 7/1/21)
- Rule 4.77 REPEALED Guardianships (Eff. 7/1/96) (Repealed, eff 7/1/2004) (Amended, effective January 1, 2014)
- Rule 4.77.1 Petition for General Guardianship (Adopted, eff 7/1/2004 [formerly Rule 4.77(a), (c), and (d)]) (Amended, eff. 7/1/2006) (Amended, Eff. 1/1/2012) (Amended, eff 7/1/21)
- Rule 4.77.2 Hearing Dates (Adopted, eff 7/1/2004) (Amended, eff. 7/1/2011)
- Rule 4.77.3 Service of Documents (Adopted, eff 7/1/2004)(Amended, eff. 1/1/2011)
- Rule 4.77.4 Proof of Service of the Notice of Hearing (Adopted, eff 7/1/2004)
- Rule 4.77.5 Personal Appearance (Adopted, eff 7/1/2004) (Amended, eff. 7/1/12)
- Rule 4.77.6 Multiple Wards (Adopted, eff 7/1/2004)
- Rule 4.77.7 Investigation of Guardianship and Filing of Reports (Adopted, eff 7/1/2004) (Amended, Eff. 1/1/2012)
- Rule 4.77.8 Factors to Be Addressed in Guardianship Investigative Reports (Adopted, eff 7/1/2004)
- Rule 4.77.9 Alternative Guardian (Adopted, eff 7/1/2004) (Amended, Eff. 1/1/2012)
- Rule 4.77.10 Order Appointing Guardian (Adopted, eff 7/1/2004)
- Rule 4.77.11 Guardian of the Estate (Adopted, eff 7/1/2004)
- Rule 4.77.12 Current Address / Relocation (Adopted, eff 7/1/2004)
- Rule 4.77.13 Review of Guardianship (Adopted, eff 7/1/2004) (Notation is added to Ruled)
- Rule 4.77.14 Temporary Guardianship – emergency situations only (Adopted, eff 7/1/2004) (Amended, eff 7/1/05)(Amended, eff. 7/1/2006) (Amended, eff. 1/1/09) (Amended, eff. 7/1/09)(Amended, eff. 1/1/2011) (Amended, eff 1/1/20) (Amended, eff 7/1/21)
- Rule 4.77.15 Accounts and Reports (Adopted, eff 7/1/2004)
- Rule 4.77.16 Fees for Guardian and for Attorney for Guardian (Adopted, eff 7/1/2004)
- Rule 4.77.17 Discharge (Adopted, eff 7/1/2004 [formerly Rule 4.77(e)])
- Rule 4.78 Use of Minor's Assets for Support (Eff. 7/1/96)
- Rule 4.79 Disposition of Minor's Funds (Sections 3410-3413) (Eff. 7/1/96)
- Rule 4.80 Compromise of Claims (Eff. 7/1/96)
- Rule 4.81 REPEALED Conservatorships (Eff. 7/1/96)(Amend Eff.1/1/99)(Amend Eff 1/1/2000) (Repealed, eff 7/1/2004)
- Rule 4.81.1 Petition for Appointment of Conservator (Adopted, eff 7/1/2004 [formerly Rule 4.81(a)]) (Amended 1/1/2005) (Amended 7/1/05) (Amended, eff. 1/1/09)(Amended, eff. 7/1/2010) (Amended, Eff. 7/1/2011)
- Rule 4.81.2 Notice (Adopted, eff 7/1/2004 [formerly Rule 4.81(d)]) (Amended, Eff 1/1/07)
- Rule 4.81.3 Guardians, Conservators and Trustees Qualifications (Adopted, eff 7/1/2004) (Amended, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 4.81.4 Special Requirements on Appointment or Termination of Conservator (Adopted, eff 7/1/2004 [formerly Rule 4.81(c)]) (Amended, eff. 7/1/2006) (Amended, Eff 7/1/2011) (Amended, Eff. 1/1/2012, eff. 7/1/12)
- Rule 4.81.4.1 Personal Appearance-Conservatorships (Adopted, eff. 7/1/12)
- Rule 4.81.5 General Plan (Adopted, eff 7/1/2004 [formerly Rule 4.81(g)]) (Amended, eff. 7/1/09) (Amended, Eff. 1/1/2012)
- Rule 4.81.6 Letters of Conservatorship of the Estate (Adopted, eff 7/1/2004)
- Rule 4.81.7 Changes of Address (Adopted, eff 7/1/2004 [formerly Rule 4.81(f)]) (Amended, eff. 1/1/09)
- Rule 4.81.8 Private Professional Conservators (Adopted, eff 7/1/2004) (Amended, eff. 1/1/09) (Amended, eff. 7/1/09)
- Rule 4.81.9 Waiver of Bond (Adopted, eff 7/1/2004 [formerly Rule 4.81(e)])

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- Rule 4.81.10 Request for Dementia Powers (Adopted, eff 7/1/2004 [formerly Rule 4.81(b)]) (Amended, Eff. 1/1/2008)
- Rule 4.81.11 Visits to the Conservatee (Adopted, eff 7/1/2004)
- Rule 4.81.12 Medical Consent Authority (Adopted, eff 7/1/2004)
- Rule 4.81.13 Exclusive Authority to Give Medical Consent (Adopted, eff 7/1/2004)
- Rule 4.81.14 Inventory and Appraisal (Adopted, eff 7/1/2004)
- Rule 4.81.15 Independent Powers – Sale of Real Property and of Conservatee’s Residence (Adopted, eff 7/1/2004 [formerly Rule 4.81(j) and (k)])(Amended, Eff. 7/1/2008)
- Rule 4.81.16 Waivers of Account (Adopted, eff 7/1/2004 [formerly Rule 4.81(h)(2)]) (Amended, eff. 7/1/2006)
- Rule 4.81.17 Accounts and Reports (Adopted, eff 7/1/2004 [formerly Rule 4.81(h)(1)]) (Amended, Eff. 1/1/2008) (Amended, eff. 7/1/09) (Amended, Eff 1/1/19)
- Rule 4.81.18 Confidential Status Report (Adopted, eff 7/1/2004 [formerly Rule 4.81(h)(1)]) (Amended, eff. 7/1/2006) (Amended, eff. 7/1/09) (Amended, Eff 1/1/19)
- Rule 4.81.19 Disclosure of Fees for Private Professional Conservators (Adopted, eff 7/1/2004) (Amended, eff. 7/1/09)
- Rule 4.81.20 Death of Conservatee (Adopted, eff 7/1/2004 [formerly Rule 4.81(l)]) (Amended, Eff 1/1/19) (Amended, Eff 7/1/19)
- Rule 4.81.21 Time for Allowing Compensation (Adopted, eff 7/1/2004 [formerly Rule 4.86])
- Rule 4.81.22 Obtaining Final Discharge (Adopted, eff 7/1/2004 [formerly Rule 4.81(m)])
- Rule 4.82 Substituted Judgment (Eff. 7/1/96)(Amend Eff 1/1/2000, Eff. 7/1/2004) (Amended, eff. 7/1/09)

### CHAPTER 13. COMMISSIONS AND FEES

- Rule 4.83 Statutory Compensation in Decedent's Estates (Eff. 7/1/96)
  - Rule 4.84 Compensation for Extraordinary Services in Decedents' Estates (Eff. 7/1/96)
  - Rule 4.85 Compensation Conservators and Their Attorneys (Eff. 7/1/96) (Amended Eff 7/1/2003, Eff. 7/1/2004, Eff. 7/1/2008)
  - Rule 4.86 Time for Allowing Compensation (Eff. 7/1/96)
  - Rule 4.87 REPEALED Procedure (Eff. 7/1/96) (Repealed, eff 7/1/2004)
  - Rule 4.88 Court Investigation Assessments (Eff. 7/1/96) (Amended Eff 7/1/2003) (Amended, eff 7/1/2004)
- APPENDIX A to Chapter 13 (Eff. 7/1/96)

### CHAPTER 14. TRANSACTIONS INVOLVING INCOMPETENT SPOUSE.

- Rule 4.89 Prior Court Approval is required for any Action Specified In Section 3100, et seq. (Eff 1/1/2000) (Amended, eff 7/1/2004) (Amended, eff. 7/1/09)

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- Rule 4.90 Trustee’s Accounts (Adopted, eff 7/1/2004)
- Rule 4.91 Notice to Beneficiaries (Adopted, eff 7/1/2004)
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Superior Court of California, County of San Mateo  
**DIVISION V - FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**

- Rule 5.1 Applicability of Rules ( Eff. 1/1/2000)(Amended, Eff 1/1/2004) (Amended, eff 7/1/23)
- Rule 5.2 Court Locations ( Eff. 1/1/2000) (Amended, Eff 1/1/2004; Eff. 1/1/13)
- Rule 5.3 Matters Heard in Family Law Department ( Eff. 1/1/2000) (Amended, eff 7/1/23)
- Rule 5.4 Case Flow Management ( Eff. 1/1/2000)(Amended Eff 1/1/2003)  
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- Rule 5.4.1 Informal Discovery Conferences in Family Law Proceedings (Adopted, eff 7/1/23)
- Rule 5.5 RENUMBERED [Ex Parte Orders] (Eff. 1/1/2000)(Renumbered as Rule 5.6, Eff. 1/1/2004)
- Rule 5.5 Alternative Dispute Resolution (Eff. 1/1/2004)(Amended, effective 7/1/2004)(Amended, eff. 1/1/2010, eff. 7/1/12) (Amended, eff. 7/1/13)
- Rule 5.6 RENUMBERED [Order to Show Cause and Notice of Motion Rules] (Eff. 1/1/2000)(Renumbered as Rule 5.7, Eff 1/1/2004)
- Rule 5.6 Ex Parte Orders (Renumbered-formerly Rule 5.5 and Amended eff. 1/1/2004,)  
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- Rule 5.7 RENUMBERED [Declarations of Disclosure, Income and Expense Declarations, And Tax Returns] ( Eff. 1/1/2000)(Renumbered as Rule 5.11, Eff. 1/1/2004)  
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- Rule 5.7 Order to Show Cause and Notice of Motion Rules (Renumbered-formerly Rule 5.6, eff 1/1/2004) (Amended 1/1/2005) (Amended, Eff 1/1/07) (Amended, eff. 1/1/2010) (Amended, eff 7/1/10) (Amended, Eff. 7/1/2011, eff. 7/1/12)  
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- Rule 5.7.1 REPEALED Tentative Rulings for Requests for Orders, Orders to Show Cause, and Notices of Motion (Adopted, eff. 7/1/23) (REPEALED, effective 7/1/23)
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- Rule 5.8 Trial Setting, Status Conference, and Mandatory Settlement Conference Rules (Adopted, eff. 1/1/2004) (Amended 1/1/2005) (Amended 7/1/2005) (Amended, Eff 1/1/07) (Amended, Eff. 1/1/2008) (Amended, eff. 1/1/2010, eff. 7/1/12)  
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- Rule 5.10 RENUMBERED [Family Support Division Matters] (Eff. 1/1/2000)  
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- Rule 5.11 RENUMBERED [Family Court Services] (Eff. 1/1/2000) Renumbered as Rule 5.13, Eff. 1/1/2004)
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- Rule 5.12 RENUMBERED. [Appointment of Counsel for Child] (Eff. 1/1/2000)  
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- Rule 5.12 Department of Child Support Services (Adopted, eff. 1/1/2004) (Renumbered- formerly Rule 5.10 and Amended, eff. 1/1/2004; Eff. 1/1/13)
- Rule 5.13 RENUMBERED [Judgment by Default or Uncontested Hearing] ( Eff. 1/1/2000)(Renumbered as Rule 5.9 and Amended, eff. 1/1/2004)
- Rule 5.13 Family Court Services (Adopted, eff. 1/1/2000)(Renumbered- formerly Rule 5.11 and Amended, eff. 1/1/2004) (Amended, eff. 1/1/2005) (Amended eff 1/1/2006) (Amended, eff. 7/1/2010)(Amended, eff. 1/1/2011) (Amended, Eff. 1/1/2012, eff. 7/1/12; Eff. 1/1/13) (Amended, eff. 7/1/13) (Amended, eff. 1/1/2014)(Amended, Effective 1/1/16) (Amended, eff 1/1/20) (Amended, eff 7/1/21)
- Rule 5.14 RENUMBERED [Preparation of Orders After Hearing and Judgments] ( Eff. 1/1/2000)(Renumbered as Rule 5.10 and Amended, eff. 1/1/2004)
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- Rule 11.4 REPEALED Civil Case Assignment (Eff. 1/1/97) (REPEALED, eff. 7/1/13)
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**IMPORTANT INSTRUCTIONS FOR USING THESE RULES**

1. State Rules and Corresponding Local Rules

The California Rules of Court are not printed as part of the San Mateo County local rules, but are considered incorporated within them. Proceedings in the Superior Court of California, County of San Mateo are governed by the California Rules of Court as supplemented by these local rules. **EACH LOCAL RULE MUST BE READ IN CONJUNCTION WITH THE CALIFORNIA RULES OF COURT (CRC).**

2. Page Numbers

All page numbers are printed at the bottom center of the page. *Numbers at the bottom left corner of any page are word processing codes and should be disregarded.*

3. Amendments

Amendments adopted after July 1, 1996 will be issued as replacement pages and are to be inserted in this booklet according to the instructions provided with the amendments.

4. Application

Each rule shall be enforced in all departments to which the rule may apply, except as specifically modified or distinguished in the applicable division of these rules.

5. Effective date

The Rules of the Superior Court of California, County of San Mateo have been restated, amended and adopted, effective July 1, 1996.

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Superior Court of California, County of San Mateo  
**INTRODUCTION**

Rule 0.1 Adoption and Amendment of Rules

- (a) Each of these rules is effective as of the date stated in parentheses at the end of the particular rule.
- (b) No action taken in compliance with a rule of this court before it is amended or repealed shall be made invalid or ineffective by the subsequent amendment or repeal of that rule.
- (c) These rules may be amended by a majority of the judges of this court in accordance with state law.

(Adopted, effective July 1, 1996.)

Rule 0.2 Sanctions

Failure to comply with any provisions of the Code of Civil Procedure, the California Rules of Court, or any of these local rules may result in any or all of the following sanctions, on motion of a party or on the court's own motion:

- (a) Dropping the matter from the calendar;
- (b) A fine paid to the Clerk of the Court by the responsible party or counsel;
- (c) Order for payment of reasonable costs and expenses, including attorney fees, to the opposing party;
- (d) Other sanctions authorized by CCP Section 575.2, GC 68608(b), CRC 2.30, infra or other law.

(Adopted, effective July 1, 1996.) (Amended, effective January 1, 2007)

Rule 0.3 Court Security

The Sheriff is designated as the Court Security Officer, and is responsible to the Court for all matters relating to security of courtrooms, buildings, and grounds. The Court Security Officer shall prepare a Court Security Plan in accordance with California Rules of Court, Standards of Judicial Administration, Section 7 which shall be reviewed annually by the judges. Pursuant to G. C. Section 26602 the sheriff shall ensure that all reasonable precautions are taken to maintain court security including, but not limited to, searching of persons and their possessions for weapons and explosive devices as allowed by law.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 1999)



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Rule 0.4 Reserved.

(Adopted, effective July 1, 1996)

Rule 0.5 Civil Appeals Fees

Pursuant to CRC 8.130, the reporter shall commence preparation of the transcript on appeal when a notice of appeal from the Appellate Clerk is received and after deposit by appellant with the Appellate clerk of a sum of \$325.00 for each half day and \$650.00 for each full day of trial included in the reporter's transcript on appeal. The actual fee for the transcript shall be set by statute.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007)

Rule 0.6 Court Consolidation and Coordination

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2002)

Rule 0.7 Court Designation/Caption

This Court shall be known as the "Superior Court of California, County of San Mateo".

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2002)

Rule 0.8 Contents of Proof of Service

When service is made by mail, Section 1013(a) of the Code of Civil Procedure provides the language to be used in the proof of service. When service is by personal delivery (CCP 1011), the declaration of service must be signed by the person who actually accomplished service. When service is by FAX, CRC 2.306 must be complied with. A declaration which simply recites that the declarant "caused the papers to be served" by handing them to a messenger is not adequate proof of service. In the absence of opposition, a motion accompanied by a defective proof of service will be continued, placed off calendar, or denied. The proof of service must show service on all parties who have appeared in the action, not just the party to whom the motion is directed. (See CCP1014.)

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007)

Rule 0.9 Standing Orders

All standing orders of the Superior Court shall be signed by the Presiding Judge, shall (unless otherwise noted) specify each is in effect indefinitely until vacated or superseded by the Presiding Judge, shall be numbered sequentially and filed chronologically by the Clerk in a special file marked "Standing Orders", shall be distributed to all judicial officers of the court and shall be published by the San Mateo County Bar Association as an appendix to the Local Rules of the Superior Court at such times as the Local Rules are published.

Standing Orders that relate to Juvenile Court matters may be signed by the Presiding Judge of the Juvenile Division on behalf of the Superior Court's Presiding Judge. All other administrative requirements, as stated above, shall also be applicable.

(Adopted, effective July 1, 1997) (Amended, effective January 1, 2003)

**DIVISION I  
RULES ON APPEAL TO THE APPELLATE DEPARTMENT**

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**CALIFORNIA RULES OF COURT AS SUPPLEMENTED HEREIN,  
GOVERN ALL LOCAL PROCEDURES**

**DIVISION I  
RULES ON APPEAL TO THE APPELLATE DEPARTMENT**

**CHAPTER I. APPELLATE DEPARTMENT RULES**

Former Rule 1.1 Sessions

REPEALED (See new Rule 1.0(b))  
(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2009)

Former Rule 1.2 Briefs

REPEALED (See new Rule 1.5)  
(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2009)

Former Rule 1.3 Decisions

REPEALED (See new Rule 1.7)  
(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2009)

Former Rule 1.4 Rehearing and Finality of Judgments

REPEALED  
(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2009)

**1.0 GENERAL PROVISIONS**

- (a) **Appellate Division.** The Chairperson of the Judicial Council assigns four judges to the Appellate Division, and one of the four judges shall be designated as Presiding Judge of the Appellate Division.
- (b) **Sessions.** Regular sessions of the Appellate Division shall be held on the second Friday of each month at 2:00 p.m. in Courtroom 2M at the Hall of Justice and Records in Redwood City unless otherwise ordered. The Presiding Judge of the Appellate Division may call special sessions of this Division.
- (c) **Jurisdiction.** The Appellate Division of the Superior Court has jurisdiction over all appeals arising from misdemeanor, infraction and limited civil cases in San Mateo County (except small claims appeals) and over all motions and petitions for stay in connection with such appeals. (Code Civ. Proc. (“CCP”) §77(e).)
- (d) A panel of three judges participates in each matter before the Appellate Division. The concurrence of at least two judges is required for a decision in any case. (CCP §§77(a), (b) and (d).)
- (e) The Appellate Division has jurisdiction over all petitions for writs of mandate, prohibition and review (certiorari) in any misdemeanor, infraction or limited civil case. (CCP §§1068(b), 1085(b) and 1103(b).)

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- (f) Notwithstanding the above, appeals from convictions of traffic infractions are heard by one judge of the Appellate Division (CCP § 77(h)).

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

**1.1 NOTICE OF APPEAL**

- (a) **Jurisdiction.** The Appellate Division has appellate jurisdiction only over cases in which a notice of appeal was timely filed. (Cal. Rules of Court (“CRC”) rules 8.810(c) and 8.812.)
- (b) **Where filed.** The notice of appeal shall be filed in the trial court from which the appeal is being taken. Unless specified otherwise in these rules or in the California Rules of Court, all subsequent filings shall be made with the Clerk of the Appellate Division.
- (c) **Late Filing/Motion to Dismiss.**
- (1) **Criminal cases.** If a notice of appeal is filed late, the clerk will stamp it “Received (date) but not filed.” (CRC rule 8.853(d).) If a late notice of appeal is inadvertently filed, the Presiding Judge of the Appellate Division will dismiss the appeal without hearing, either on his or her own motion or on the motion of counsel.
- (2) **Civil cases.** If a notice of appeal is filed late, the Presiding Judge of the Appellate Division will dismiss the appeal without hearing, either on his or her own motion or on the motion of counsel. (CRC rule 8.822(d).) A motion to dismiss on grounds of a late-filed notice of appeal shall be filed with the Clerk of the Appellate Division.
- (d) **Filing Fees.**
- (1) Filing fees required by Government Code § 70621 shall be paid in the trial court.
- (2) For litigants who qualify, the court may waive filing fees. Filing fees, orders for fee waivers, or applications for fee waivers shall be filed in the trial court at the time of filing the notice of appeal or within fifteen (15) days thereafter. (CRC rules 8.821(b)(1), (c).)

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

**1.2 STAY ORDERS**

- (a) **Format of Papers.** All papers filed in connection with stay applications shall comply with San Mateo County Superior Court Local Rules (“LCR”), rule 1.8, and CRC rule 8.808.
- (b) **Civil Appeals.**
- (1) **Before Filing Notice of Appeal.** Applications for stay orders filed before notice of appeal shall be filed in the trial court. (CCP § 918.)
- (2) **After Filing Notice of Appeal.**
- (A) **Filing.** Petitions for writ of supersedeas shall be filed with the Clerk of the Appellate Division and shall comply with CRC rule 8.824.

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(B) Service. Petitions for writ of supersedeas shall be served in accordance with CRC rule 8.824 and shall be accompanied by proof of service at the time of filing. Petitions and oppositions shall be filed and served pursuant to LCR rule 1.8.

(C) Decision. Petitions for writ of supersedeas are ruled upon without hearing by the Appellate Division, which may request that opposition papers be filed before ruling. In appropriate cases, the matter may be set for oral argument.

(D) Showing required.

- 1) A stay may be granted only on a showing of exceptional circumstances.
- 2) Petitions in unlawful detainer actions shall meet the requirements of CCP § 1176.

(E) Temporary stays.

- 1) Pending the Appellate Division's ruling on a supersedeas petition, a temporary stay may be granted by the Court.
- 2) A request for temporary stay may be incorporated into a petition for writ of supersedeas or filed separately with notice to the respondent. (CRC rule 8.824(c).)
- 3) Applications for temporary stay shall be filed with the Clerk of the Appellate Division, and are ruled upon without hearing.

(c) **Criminal Appeals.**

(1) Stay of Execution.

- (A) An application for stay of execution shall first be made in the trial court, and, if denied, may then be made in the Appellate Division. (See Penal Code § 1467; CRC rule 8.854.)
- (B) Applications for stay orders shall be filed with the clerk of the Appellate Division and served on opposing counsel in accord with LCR Rule 1.8.
- (C) Applications for stay are ruled upon without hearing.

(2) Request for Bail Reduction on Appeal.

- (A) An application for bail reduction shall first be made in the trial court, and, if denied, may then be made in the Appellate Division. (Penal Code § 1272; CRC rule 8.312(2).)
- (B) Applications for bail reduction are ruled upon without hearing.

(3) Bonds on Appeal. All proceedings concerning bonds on appeal shall be brought in the trial court.

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

**1.3 APPOINTED COUNSEL IN MISDEMEANOR APPEALS.**

(a) **Right to Counsel.** A defendant appealing a misdemeanor conviction who had appointed counsel at trial or who meets the standards for appointed counsel is entitled to appointed counsel on appeal. (CRC rule 8.851(a)(1).)

(b) **Applications for Appointed Counsel.**

(1) A party meeting the standards may apply for appointment of counsel either in the trial court or in the Appellate Division. (CRC rule 8.851(b).)

(2) Applications shall be filed in accordance with LCR 1.8, except that they need not be served on other parties, and are decided without hearing.

(3) Once the applicable court has approved the application for appointed counsel, the designation of specific counsel on appeal is then made by the Executive Director of the San Mateo County Bar Association's Private Defender Program.

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

**1.4 RECORD ON APPEAL**

(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) **Clerk's Transcript.** Within ten days of notification by the clerk of the trial court's appeals division of the estimate of the cost of the preparation of the clerk's transcript, appellant shall make arrangement for payment of the required fees. (CRC rule 8.832(c)(3).) The completed, official Clerk's Transcript will be electronically transmitted to the attorney(s) of record and/or appellant, via PDF or a link to the document. No paper copy will be produced by the court.

(3) **Reporter's Transcript.** Appellant shall designate and file notice in the trial court to obtain a reporter's transcript and pay for that transcript within the time required. (CRC rules 8.834(a), (b).)

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(4) Augmenting or Correcting the Record on Appeal. Either party may move to augment or correct the record on appeal. (CRC rule 8.841.) Such motions shall comply with LCR rule 1.8, and may be ruled upon without hearing.

(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 8.834 through 8.837, except to the extent provided in rule 8.842.

**(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) Clerk’s Transcript. Upon filing of a Notice of Appeal, the clerk’s transcript is prepared by the trial court Clerk without written request or payment of fees by the appellant. (CRC rules 8.861 through 8.863.) The completed, official Clerk’s Transcript will be electronically transmitted to the attorney(s) of record and/or appellant, via PDF or a link to the document. No paper copy will be produced by the court.

(3) Reporter’s Transcript.

(A) Appellant’s responsibility. If appellant intends to present the evidentiary record by a reporter’s transcript, appellant shall note that fact in his or her notice of election filed within the time requirements specified in CRC rule 8.864(b), and shall deposit with the clerk the estimated cost for preparing the transcript as provided in CRC rule 8.866(a)(2)(C), unless payment is waived by law or by court order. The reporter shall file the original transcript with the Clerk of the Appellate Division and provide copies to appellant and respondent. (CRC rule 8.866(d).)

(B) Waiver of reporter’s fees. Applications to cover the cost of reporter’s transcript shall be made in the trial court at the clerk’s office. If the application is denied, appellant may apply to the Appellate Division. The application shall comply with LCR Rule 1.8, and will be ruled upon without hearing.

(4) Augmenting or Correcting the Record on Appeal. Either party may move to augment or correct the record on appeal. (CRC rule 8.873.) Such motions shall comply with LCR rule 1.8, and may be ruled upon without hearing.

(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.

## 1.5 BRIEFS

### (a) **Time for Filing.**

(1) **Briefs.** After the record on appeal has been transmitted, the Appellate Division will notify the parties. The parties shall file briefs in accordance with the time periods specified in CRC rule 8.882(a).

(2) **Failure to File Timely Briefs.** In civil appeals, failure of appellant to file an opening brief on or before the required date is a ground to dismiss the appeal. In criminal appeals, failure of appellant to file an opening brief on or before the required date is a ground to either appoint new counsel if the appellant is represented by appointed counsel or to dismiss the appeal. Failure to file a respondent's brief on or before the required date will result in the case being submitted for decision on the record on appeal, the appellant's opening brief, and the appellant's oral argument. Such failure may cause the Appellate Division to accept as true the statement of facts contained in appellant's opening brief. (CRC rule 8.882(c).)

(b) **Content and Format.** Briefs shall comply with CRC rule 8.883, including but not limited to the requirement that lines of text other than footnotes and block quotations must be at least one-and-a-half-spaced as stated in CRC. Only one side of the paper may be used and such briefs shall be bound at the top, with cover colors that comply with CRC 8.40(b).

### (c) **Length.**

(1) No brief shall exceed 6,800 words in length without prior approval of the Appellate Division. (CRC rule 8.883(b).) Tables of contents and/or authorities are excluded from this limitation, but footnotes are included.

(2) Permission to file any briefs in excess of **6,800 words** shall be obtained by application in accordance with LCR rule 1.8.

(3) The brief must include a certificate stating the number of words in the brief as required under CRC, rule 8.883(b).

(d) **Service.** Briefs shall be served as follows: the original and three copies on the Clerk of the Appellate Division, one copy on the trial court, and one copy on opposing counsel. (See CRC rule 8.882(e)).

(e) **Extension of Time.** Applications for extensions of time to file briefs shall be filed in the Appellate Division in accordance with LCR rule 1.8.

(Adopted, eff. Jan. 1, 2009) (Amended, effective July 1, 2009) (Amended, effective January 1, 2022)

## 1.6 ORAL ARGUMENT

### (a) **Date and Time.**

(1) **Date.** The date for oral argument will be set after briefing is completed. The hearing date will be subject to written notice to the parties by the Clerk of the Appellate Division at



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least 20 days prior to the hearing date, unless the Presiding Judge shortens the notice period for good cause. (CRC rule 8.885.)

(2) **Time.** Unless noticed otherwise by the Clerk of the Appellate Division, all criminal and civil matters are heard at 2:00 p.m.

(b) **Failure to Appear.** A party who fails to appear at oral argument when the case is called is deemed to have waived oral argument, unless the delay or tardiness is excused by the Appellate Division. (See CRC rule 8.885(c).)

(c) **Continuances.** Continuances will only be granted upon a showing of good cause. Continuances by stipulation are subject to the approval of the Presiding Judge of the Appellate Division. Written applications for continuance shall comply with LCR Rule 1.8, and will be ruled upon without hearing.

(d) **Amount of Time to Argue.** Parties are entitled to time to argue of a maximum of ten minutes per side, unless they have been granted a longer argument time by prior permission. (CRC rule 8.885(d).)

(e) **Supplemental Briefing.** Supplemental briefing will be permitted when the Appellate Division indicates it intends to decide a case upon the basis of an issue not briefed or proposed by any party. (Govt. Code § 68081.)

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

## 1.7 DECISION

(a) **Time for Decision.** The Appellate Division shall decide a case within ninety days after submission. (Cal. Const., Article 6, §19.)

(b) **Opinion.** The Appellate Division may file an opinion on each appeal, but is not required to do so. (CRC rule 8.887(a).)

(c) **Publication.** An opinion is published in whole or in part in the Official Reports when a majority of the judges in the Appellate Division who participated in the opinion certifies that the opinion meets one or more of the standards set forth in CRC rule 8.1105(c), and the Court of Appeal does not order the case transferred to it for hearing and decision. (CRC rules 8.1105(b), 8.1002.)

(d) **Rehearing and/or Certification.**

(1) Any petition for rehearing shall be served and filed with proof of service as provided in CRC rule 8.889(b)(1). No answer may be filed unless the court requests one. (CRC rule 8.889(b)(2).)

(2) If a rehearing is ordered, the Appellate Division may place the case on calendar for further argument or may resubmit the matter for decision without argument. (CRC rule 8.889(d).)

(3) Any party may move to certify, or the Appellate Division on its own motion may certify, that transfer of a case to the Court of Appeal appears necessary to secure uniformity of decision or to settle important questions of law. (CRC rule 8.1005(a).) An application to

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certify shall be filed within 15 days after the judgment is pronounced or modified. (CRC rule 8.1005(b).)

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

## 1.8 APPLICATIONS AND MOTIONS

- (a) **Routine Applications.** Routine applications shall be served on opposing counsel and submitted to the Appellate Division. (CRC rules 8.810 through 8.817.)
- (b) **Motions.** Written motions in connection with all non-routine matters shall be served on all parties and shall be filed in the Appellate Division. (CRC rule 8.808.) Motions filed before the Appellate Division has received the record on appeal shall be accompanied by copies of documents previously filed sufficient to permit review.
- (c) **Motions to Withdraw as Counsel.** Motions of an attorney to withdraw as counsel of record shall comply with the requirements of CCP sections 284 and 285, and CRC rules 3.1362 and 8.814(c).
- (d) **Ruling on Applications and Motions.** Rulings on applications and motions made pursuant to this rule are made without hearing.
- (e) **Abandonment.** A civil appeal may be abandoned on written request of the appellant or stipulation of the parties filed with the Clerk of the Appellate Division. (CRC 8.8259b.) A criminal appeal may be abandoned by filing a written abandonment of appeal with the Clerk of the Appellate Division. (CRC rule 8.855(b).)

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

## 1.9 EXTENSIONS AND RELIEF FROM DEFAULT

- (a) **Where Application For Extension Filed.** Applications for extension of time to prepare the record on appeal shall be made to the trial court. (CRC rule 8.810(b).) All other applications for extension of time shall be made to the Appellate Division. (CRC rule 8.810(c).)
- (b) **Denial or Failure To Grant By Trial Court.** If an extension of time is denied or cannot be granted by the trial court, application may be made to the Appellate Division in accordance with LCR rule 1.8, and will be ruled upon without hearing.
- (c) **Reinstatement of Appeal.** Applications to grant relief from default or reinstate an appeal after dismissal shall follow the procedures set forth in sub-paragraph (b) above.

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

## 1.10 WRITS

- (a) **Assigned Departments.** Petitions for writ of mandate or prohibition in limited civil, misdemeanor or infraction cases shall be heard in the Appellate Division. (CCP §1085(b), 1103(b), and 1068(b); CRC rule 8.930.) Petitions for writ of habeas corpus shall not be considered by the Appellate Division. (CRC rule 4.552(d).) Instead, habeas petitions may be filed with the Clerk of the Superior Court.

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(b) **Content and Format.** Briefs relating to a petition for writ of mandate or prohibition shall comply with CRC rules 8.931 through 8.933 and 8.883, except that only one side of the paper may be used and they must be bound at the top, with cover colors that comply with CRC 8.40(b).

(c) **Service.** Briefs relating to a petition for writ of mandate or prohibition shall be served as follows: the original and three copies on the Clerk of the Appellate Division, one copy on the trial court, and one copy on opposing counsel. (See CRC rule 8.931(c)(3).)

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

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**DIVISION II  
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**CHAPTER 1. FORM AND SERVICE OF PAPERS**

Rule 2.0 Transfer of Court-Related Functions of the County Clerk to the Superior Court

Pursuant to the authority contained in Government Code section 69898, the court hereby transfers from the County Clerk to the Superior Court Executive Officer, under the direction of the Presiding Judge, all of the powers, duties, and responsibilities required or permitted to be executed or performed by the County Clerk in connection with judicial actions proceedings, and records.

(Adopted, effective July 1, 1996.)

Rule 2.1 Form of Papers Presented for Filing

Reference, CRC, rule 2.100, et seq. 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).

(Adopted, effective July 1, 1996) (Amended effective January 1, 2000) (Amended, effective January 1, 2007) (Amended, effective January 1, 2020)

Rule 2.1.1 Citations to Non-California Authorities.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 2.1.2 Requests for Judicial Notice

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 2.1.3 California Environmental Quality Act (CEQA)

If a petition for writ of mandate or complaint includes claims under CEQA (Public Resources Code section 21000 et. seq.), the case will be assigned to a judge designated to hear CEQA actions pursuant to Public Resources Code section 21167.1. Plaintiff shall identify the petition or complaint as being filed pursuant to “CEQA” on the face of the petition or complaint.

(Adopted, effective January 1, 1999)(renumbered from 2.1.4 effective January 1,2000)(Amended, effective January 1, 2017)

Rule 2.1.4 Documents Produced Through a Nonparty

If a party proposes to obtain documents in the custody of a nonparty, as by a subpoena duces tecum, and such documents may be produced by certification or otherwise in lieu of personal appearance by a witness custodian, the request for such documents should specify that they be delivered not later than the first day for which the trial is calendared.

(Adopted, effective January 1, 2000)

Rule 2.1.5 Permissive Electronic Filing of Documents

(a) The Court does not presently have permissive electronic filing in other types of cases. (See Local Rule 2.1.7 for mandatory electronic filing of documents.)

(b) This Rule is subject to all of the conditions set forth in Code of Civil Procedure Section 1010.6(b) and any requirements set forth in CRC Rules 2.250 *et seq.* (Trial Court Rules, Division 3, Chapter 2).

(c) No direct electronic transmission to the Court of any document for filing is allowed. Electronic filing of documents must be done through one of this Court's authorized Electronic Filing Service Providers. The Court's electronic filing procedures and requirements, including identification of its Electronic Filing Service Providers (EFSP), are available on this Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org) and available in print at the Clerk's Office. An EFSP may require payment of a convenience fee and/or transaction fee and/or impose other reasonable requirements as conditions for processing the electronic filing of a document.

(d) Repeal. (See CCP §1010.6(b)(3).)

(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) (Amended January 1, 2020) (Amended July 1, 2020) (Amended, effective July 1, 2021) (Amended, effective January 1, 2022).

#### Rule 2.1.6 Attaching Photographs to Filed Documents

A person filing a document with the court who is attaching a black and white or color photograph to the document to be filed must include on the caption page "Photograph Image Attached".

(Adopted, effective July 1, 2018).

#### Rule 2.1.7 Mandatory Electronic Filing of Documents

(a) (1) 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.

(2) Except for self-represented litigants, all parties are required to electronically file documents in all Civil Limited cases and in all Civil Unlimited cases.

(3) Except for self-represented litigants, all parties are required to electronically file documents in all civil class actions, civil coordinated actions, civil actions provisionally complex under CRC Rule 3.400(c), and civil actions deemed complex pursuant to CRC Rule 3.403.

(4) Except for self-represented litigants, all parties are required to electronically file documents in all actions under the jurisdiction of the Small Claims Court, pursuant to Code of Civil Procedure Section 116.110 *et seq.*

(5) Except for self-represented litigants, all parties are required to electronically file documents in all Unlawful Detainer actions brought under Code of Civil Procedure Sections 1159 through 1179a.

(6) Except for self-represented litigants, all parties are required to electronically file all documents, subsequent to the filing of the Complaint, in all felony, misdemeanor, and infraction Criminal actions, except for Traffic Court cases.

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(7) Except for self-represented litigants, all parties are required to electronically file all documents in all actions for Adoption, and all actions under the jurisdiction of the Juvenile Court.

(b) 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.

(c) 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.

(d) 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. (Adopted, effective January 1, 2020) (Amended, effective July 1, 2021) (Amended effective January 1, 2022).

#### Rule 2.1.8 Documents That Cannot Be Electronically Filed

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:

(a) In All Actions: Ex parte applications and all other ex parte filings; trial exhibits; administrative records; writs; abstracts; subpoenas; requests for judgment; bonds and undertakings; out-of-state commissions; out-of-state judgments; subpoenas for out-of-state actions;

(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; proposed judgments;

(c) In General Civil actions: Certificate of Fact form DL30; proposed judgments;

(d) In Criminal actions: Complaint, and all documents filed before the Complaint; proposed judgments;

(e) In Family Law actions: Section 170.1 judicial challenge for cause.

A list of such documents is regularly updated on the Court's website, as the Court continues to expand its electronic filing capabilities.

(Adopted, effective January 1, 2020) (Amended, effective July 1, 2020) (Amended, effective July 1, 2021).

## **CHAPTER 2. CIVIL TRIAL COURT MANAGEMENT RULES**

### **PART 1. MANAGEMENT DUTIES**

#### Rule 2.2 Trial Court Management

#### **REPEALED**

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2021)

### **PART 2. CASEFLOW MANAGEMENT**

#### Rule 2.3 New Case Management

#### **REPEALED**



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(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) (Amended, effective January 1, 2020) (Repealed, effective January 1, 2021)

### Rule 2.3.1 Orders to Show Cause re: Dismissals

#### **REPEALED**

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2003)(Amended, effective January 1, 2006) (Repealed, effective January 1, 2021)

### Rule 2.4 Settlement Conference

#### **REPEALED**

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2003)(Amended, effective July 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2009) (Amended January 1, 2020) (Repealed, effective January 1, 2021).

## **PART 3. CALENDAR MANAGEMENT**

### Rule 2.5 Trial Date Settlement Conference

#### **REPEALED**

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

### Rule 2.6 Refund of Jury Fees: Duty to Notify Court

(Adopted, effective July 1, 1996) (**REPEALED** and Renumbered as Rule 2.7.6)

## **CHAPTER 3. [RESERVED]**

## **CHAPTER 4. JURY RULES**

### Rule 2.7 Length of Jury Service

In compliance with CRC 2.1002, a person has fulfilled his or her jury service obligation when he or she has:

- (a) Served on one trial until discharged.
- (b) Been assigned on one day for jury selection until excused by the jury commissioner.
- (c) Attended court but was not assigned to a trial department for selection of a jury before the end of that day.
- (d) Been assigned to a trial department for selection of a jury and has been excused by the trial judge.
- (e) Served one day on call.
- (f) Served no more than 5 court days on telephone standby.

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

Rule 2.7.1 Proposed Jury Instructions

A. Reference California Rules of Court, Rules 2.1055 and 2.1050.

B. The Trial Department shall determine in its discretion the timing of submission of proposed jury instructions.

(Amended, effective January 1, 2002) (Amended, effective January 1, 2006) (Amended, effective January 1, 2007)

Rule 2.7.2 Duty Of Counsel with Respect to Jury Instructions

Before delivery of proposed jury instructions to the trial judge and opposing counsel, counsel shall fill in all blanks, make all strikeouts, insertions and modifications therein which are appropriate to the case. Submission of a form, which requires additions or modifications to constitute a complete and intelligible instruction, shall not be deemed a request for such instruction.

In addition to a hard copy of the proposed jury instructions, counsel shall provide the modified instructions on a CD or USB flash drive, also commonly referred to as a thumb drive, and a clean copy of the instructions to be given to the jury.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2006) (Amended, effective January 1, 2010)

Rule 2.7.3 Form of Proposed Jury Instructions (CCP §§ 607a, 609,)

All proposed jury instructions shall conform to the requirements of California Rules of Court, Rule 2.1055. Any jury instructions requested after the conclusion of taking evidence shall be in writing. The court, in its discretion, may permit instructions to be sent into the jury room in "Booklet Form". In "Booklet Format" the text of the instruction is printed continuously on the page and may result in several instructions to the page. Such instructions may be accompanied by a table of contents.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2006) (Amended, effective January 1, 2007)

Rule 2.7.4 Changing Jury Instructions

If, after the jury instruction conference and at any time before giving the instructions and verdict and findings forms to the jurors, the trial judge determines to make any substantive change therein, all parties should be so advised on the record outside the hearing of jurors.

(Adopted, effective January 1, 2000)

Rule 2.7.5 Jury Instruction Conference

Before final argument and after submission to the trial judge of all proposed jury instructions, verdict and findings forms, a conference outside the presence of jurors will be held. Ordinarily, a reporter or recorder is not required at the commencement of such conference.

In the event the trial judge intends to give any instructions or use any form of verdict or findings on the court's own motion, such instructions, verdicts or findings should be delivered to counsel.

The trial judge will then discuss with counsel:

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- (1) Whether any requested proposed instructions, verdicts or findings are patently inappropriate and will be voluntarily withdrawn;
- (2) Whether there is any patent omission of instructions, verdicts or findings which are appropriate and that may be given without objection;
- (3) Whether there is any other modification, namely those to which the parties will stipulate.

Counsel shall meet prior to this conference to discuss each other's jury instructions and classify them into (1), (2) and (3) above.

The foregoing unreported conference will generally result in clarification of the matters, and creation of three categories of instructions, verdicts or findings that may be withdrawn, given or modified.

Thereafter, the conference should be reported and the trial judge should confirm for the record the matters agreed upon. The trial judge should also specify those instructions, verdicts and findings forms the court proposes to give, refuse or modify, whether at the request of a party or on the court's own motion. The court will hear any objections to the foregoing and rule thereon.

The trial judge should sign each requested instruction and indicate the disposition thereof, all of which shall be thereafter filed by the clerk. If a requested instruction is withdrawn, counsel shall so indicate by writing "withdrawn" and signing or initialing such instruction.

(Adopted, effective January 1, 2000)

Rule 2.7.6 Refund of Jury Fees: Duty to Notify Court

(Adopted, effective July 1, 2004 [former Rule 2.6]) (Repealed, eff. 1/1/2013 per CCP §631.3)

Rule 2.7.7 Juror Questionnaires for all case types, with the exception of death penalty cases

A. Printing of juror questionnaires.

1. If juror questionnaires are proposed by any party, the requesting party must provide a copy of the proposed questionnaire to all parties and they must meet and confer to agree on a questionnaire that will be distributed to prospective jurors. The juror questionnaire must be presented to the trial judge on the day of trial at the very latest. The trial judge has discretion to determine whether a juror questionnaire will be allowed.

2. The proposed questionnaire shall be presented to the trial judge for review and approval prior to it being used. Once the trial judge has approved the questionnaire, it is the responsibility of the requesting party to bear the cost of creating and copying the blank questionnaire and present the copies to the courtroom staff of the trial department prior to the juror selection process. Counsel shall be responsible to provide sufficient number of copies of the blank questionnaire for the entire juror selection process.

B. Printing and Distribution of Completed Juror Questionnaires.

1. As juror questionnaires are completed by prospective jurors, the court staff will collect the questionnaires, process them and deliver them to the requesting party for copying. It is the responsibility of the requesting party to print copies of the completed questionnaires for all parties in the case and the court and to distribute the copies to the parties and the court within the timeframe as specified by the trial judge. All originals must be returned to the courtroom clerk of the trial department hearing the trial immediately after they have been copied.

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2. The parties in the case may agree to share in the cost of printing the questionnaires at which time they are to notify the court of their agreement.

(Adopted, effective January 1, 2012)

## CHAPTER 5. GENERAL RULES

### Rule 2.8 Family Law Rules

The local rules of San Mateo Superior Court relating to Family Law are contained in Division V of these rules, infra.

(Adopted, effective July 1, 1996)

### Rule 2.9 Required Action

Action shall be taken on all calendared cases and a future date for action shall always be set. No case shall go “off calendar” without a future action being set.

(Adopted, effective July 1, 1996.)

### Rule 2.10 Interpreters and Translators

A. Notice. When a party desires an interpreter, it shall be the responsibility of that party to give notice to the Court and all other parties of record. That party shall make arrangements for the presence and the payment of the interpreter.

B. Qualifications. Unless the interpreter is an official court interpreter, the interpreter’s name and qualifications shall be provided to the court and opposing counsel five (5) court days prior to the date of the interpreter’s appearance. If the interpreter is an official court interpreter, no prior disclosure is required.

C. Relations or friends. Without the consent of all parties, a relation or a friend may not be used as an interpreter or translator in a contested proceeding.

(Adopted, effective January 1, 2000)

### 2.11 Return of Exhibits in Civil Cases

In the event that an order to return exhibits is not issued by a judicial officer at the conclusion of a trial or other court proceedings, the Court Executive Officer or designee, may seek an order of court to return the exhibits following the statutory time periods as set forth in C.C.P. §§1952 and 1952.2.

(Adopted, effective July 1, 2011)

### 2.12 Court Reporter Availability in Civil Actions

(a) Unavailable.

(i) The services of official court reporters are not normally available during regular court hours for the following civil departments and calendars: Case Management Conferences, Case Management and Trial Setting Conferences, Informal Discovery Conferences, Mandatory Settlement Conferences, Post-Judgment Orders of Examination, Orders to Show Cause (set for the Civil Commissioner), Unlawful Detainer pretrial conferences, Unlawful Detainer Limited Jurisdiction Court Trials, Unlawful Detainer Limited Jurisdiction Jury Trials,

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Small Claims actions, Small Claims appeals, Small Claims night court, and Lanterman-Petris-Short Act pretrial conservatorship proceedings.

(ii) Pursuant to Government Code Section 69957, when a court reporter is not available or not demanded, the Court may use and provide electronic recording of Unlawful Detainer Civil Limited Jurisdiction court trials and jury trials.

(b) May be Available. The services of official court reporter may be available during regular court hours for the following civil calendars: Pre-Trial Conferences, Court Trials, and Jury Trials.

(c) Available. The services of an official court reporters are normally available during regular court hours for all other civil departments and calendars, not identified in subsections (a) and (b). The services of an official court reporter will be available for Complex Case Management Conferences if held in conjunction with (or on the same calendar with) motions set for hearing on the Complex Law & Motion calendar.

(d) Bring Your Own. Parties have the right to arrange, at their own expense, for the presence of court reporters if the services of an official court reporter are not available for a proceeding (Government Code § 68086 & California Rules of Court, Rule 2.956).

(i) In accordance with California Rules of Court Rule 2.956, a party requesting an official court reporter must file the Request for an Official Court Reporter for any hearings and trials for which an official court reporter may not or will not be available, and the Court will provide one if available.

a. Local Court Form CV-69, Request for an Official Court Reporter for Civil Court Proceedings, must be filed at least 10 calendar days prior to the scheduled hearing or trial date for which you are requesting an official court reporter.

b. The Court will inform the requesting attorney or self-represented litigant by way of email at least 5 calendar days prior to the scheduled hearing or trial date if an official court reporter CANNOT be provided.

c. If you do not receive an email notification from the Court at least 5 calendar days prior to the scheduled hearing or trial date, it means that an official court reporter will be provided.

(ii) Fee waiver recipients who want a verbatim record of a trial court proceedings must notify the Court in writing by filing Judicial Council form FW-020 at least 10 calendar days in advance of the scheduled hearing or trial date. (See *Jameson v Desta* (2018) 5 Cal.5th 594) If a fee waiver litigant requests the presence of an official court reporter and it appears that none can be made available, the proceeding will be continued until such time as an official court reporter can be provided.

(e) Contracting with a Court Reporter Pro Tempore. If the services of an official court reporter are not available for a hearing or trial, a party may arrange for court reporter pro tempore services at their own expense, pursuant to Gov. Code § 68086 and CRC 2.956.

(i) A party requesting appointment of an official reporter pro tempore must complete and **have signed by the official reporter pro tempore** Local Form CV-68 (***Appointment of Official Court Reporter Pro Tempore***), and provide it to the Judicial Officer at the commencement of the proceeding.

(ii) The Judicial Officer must sign Local Form CV-68 (***Appointment of Official Court Reporter Pro Tempore***) appointing the reporter as an official reporter pro tempore, before the reporter may report the proceeding. The appointment of the reporter pro tempore will be noted in the Minutes, and the courtroom clerk will file the document. There can only be one official record of court proceedings, and only a reporter appointed by the Court may report a court proceeding (Code of Civil Procedure § 273). Only one reporter will be allowed to

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report a court proceeding at any given time. If the parties cannot agree on a reporter, the Judicial Officer will make the selection.

(iii) The party arranging for an official reporter pro tempore is responsible for paying the reporter's fees (CRC rule 2.956(c)). All fees must be paid directly to the court reporter. These expenses may be recoverable as part of a party's costs as provided by law (Government Code § 68086(a)(4)).

(iv) If a party arranges and pays for the attendance of a certified shorthand court reporter at a hearing in a civil case because of the unavailability of the services of an official court reporter, none of the parties will be charged by the Court for the reporter's attendance fee provided for in Government Code sections 68086(a)(1) or (b)(1).

(f) Court Reporter Pro Tempore Requirements. By signing Local Form CV-68 (*Appointment of Official Court Reporter Pro Tempore*) and accepting the appointment as an Official Court Reporter Pro Tempore for that proceeding, the court reporter pro tempore shall take and subscribe to the Constitutional Oath of Office, and confirm and agree that he or she:

- (i) Has a valid, current California Certified Shorthand Reporter License;
- (ii) Is in good standing with the Court Reporters Board of California;
- (iii) Will maintain current contact information with the Court;
- (iv) Understands and acknowledges that all fees for reporting services, including appearance, transcript, and real-time fees, are the responsibility of the party(ies) who arranged for the reporter's services, and no such fees may be charged to the Court;
- (v) Will comply with all statutes and rules applicable to an Official Reporters Pro Tempore, including the duty to prepare transcripts, both trial and appellate, timely, and in the required form; and
- (vi) Will comply with the Court's requirements as stated in the Official Court Reporter Pro Tempore Policy (on the Court's website) regarding uploading electronic notes on a timely basis.

(Adopted, effective January 1, 2020; Amended, effective July 1, 2020; Amended, effective July 1, 2022; Amended, effective January 1, 2023; ***Amended, effective January 1, 2024.***)

### Rule 2.13 Policy Against Bias

(a) It is the policy of the Court to refrain from and prevent biased conduct. In all court interactions, it is the policy of the Court that its judicial officers and its employees should refrain from engaging in conduct and should take action to prevent others from engaging in conduct that exhibits bias, including but not limited to bias based on age, ancestry, color, ethnicity, gender, gender expression, gender identity, genetic information, marital status, medical condition, military or veteran status, national origin, physical or mental disability, political affiliation, race, religion, sex, sexual orientation, socioeconomic status, and any other classification protected by federal or state law, including Government Code section 12940(a) and Code of Judicial Ethics, canon 3(B)(5), whether that bias is directed toward counsel, court staff, witnesses, parties, jurors, or any other person. This policy does not preclude legitimate comment or advocacy when such classifications are issues in court proceeding, nor preclude the Court from considering such classifications when necessary or relevant to the proper exercise of adjudicatory or administrative functions.

(b) Any violation of the policy against bias committed by any judge or commissioner or judge pro tem or Court Executive Officer of this Court, should be reported in writing directly to the Presiding Judge or the Assistant Presiding Judge. Any violation of the policy against bias committed by any court-appointed referee should be reported in writing directly to the Presiding

Superior Court of California, County of San Mateo Judge, the Assistant Presiding Judge, or the sitting judge who appointed that referee. Any violation of the policy against bias committed by any court employee or court administrator should be reported in writing directly to the Court Executive Officer. Any violation of the policy against bias committed by any persons appearing in Court, including but not limited to parties, attorneys, witnesses, or jurors, should be reported in writing directly to the judicial officer before whom the proceedings were conducted.

(c) Consistent with Standard 10.20(c) of the Standards of Judicial Administration, and in collaboration with the San Mateo County Bar Association, the Committee for Professional Equality is and was established, co-sponsored by this Court. The purpose of the Committee for Professional Equality is to increase awareness and educate members of the legal profession about issues of bias, including sponsoring and supporting educational programs designed to eliminate unconscious and explicit biases within the courts and legal communities. The members of the Committee shall include at least one active San Mateo County judge and one retired San Mateo County judge, one court administrator, one attorney member of the San Mateo County Bar Association, one non-attorney community member, and one attorney member of the San Mateo County Bar Association's Women Lawyers Section. The members shall sit for three years on rotating terms.

(Adopted effective July 1, 2022; Amended effective January 1, 2023.)

Rules 2.14 thru 2.19 (Reserved)

## **CHAPTER 6. CIVIL TRIAL RULES**

### Rule 2.20 Trial Motions, Briefs, Statements, and Witness Lists

Upon assignment to a trial department for trial by a jury, each party shall file with that department the following:

- (1) Any in limine motions and response thereto;
- (2) Any trial briefs;
- (3) A concise non-argumentative statement of the case to be read to the jury; and
- (4) A list of possible witness who may testify in the trial to be read to the jury panel by the court.

(Adopted, effective January 1, 2002)

### Rule 2.21 In Limine Motions

Any in limine motions shall be served upon opposing counsel not less than five (5) days prior to trial. Any response shall be served upon the proponent of the motion not later than the first appearance in the Department of the Presiding Judge for trial assignment.

(Adopted, effective January 1, 2002)

### Rule 2.22 Production of Exhibits

Any party intending to offer any exhibit at the time of trial shall be prepared, by the time of assignment to a trial department, with an original and sufficient copies of each such exhibit for all other parties and the court. The court may make, in its discretion, any orders it deems appropriate regarding the exchange and presentations of exhibits.

(Adopted, effective January 1, 2002)

**RULE NUMBERS 2.23 TO 2.29 ARE RESERVED**

**CHAPTER 7. COMPLEX CASES**

Rule 2.30 Determination of Complex Case Designation.

**REPEALED**

(Adopted, effective July 1, 2004)(Amended, effective July 1, 2005) (Amended, effective January 1, 2006)(Amended, effective January 1, 2007) (Amended, effective July 1, 2015) (Repealed, effective January 1, 2021)

**RULE NUMBERS 2.31 TO 2.35 ARE RESERVED**

**CHAPTER 8. ACCESS TO COURT RECORDS**

Rule 2.36 Public Access and Privacy

Please reference. California Rules of Court, Rule 1.20.

(Adopted, effective January 1, 2008)

Rule 2.37 Public Access.

Exhibits or attachments to a document that are filed or lodged with or otherwise presented to the court, that are not otherwise marked as confidential or sealed, may be subject to public viewing and access either at the courthouse or electronically on-line (California Rules of Court, Rule 2.503, et seq.).

(Adopted, effective January 1, 2008)

Rule 2.38 Electronic Access.

Documents that are part of a court record are reasonably made available to the public electronically under the Court's Electronic Imaging program as permitted by California Rules of Court, Rules 2.500, et seq. Documents that are not properly protected by being marked confidential or sealed by court order may be subject to public access as discussed in Rule 2.38.

(Adopted, effective January 1, 2008)



**DIVISION III  
DIRECT CALENDAR CIVIL DEPARTMENTS  
ASSIGNMENT, CASE MANAGEMENT, AND LAW AND MOTION  
SUPERIOR COURT**

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**DIVISION III  
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Rule 3.1 Application

**REPEALED**

(Adopted, effective, January 1, 2000) (Amended, effective January 1, 2020) (Repealed, effective January 1, 2021)

Rule 3.2.1 Law and Motion Calendar Matters

**REPEALED**

(Adopted, effective January 1, 2000)(Amended, effective July 1, 2015) (Amended, effective January 1, 2020) (Repealed, effective January 1, 2021)

Rule 3.2.2 Law and Motion Hearings

**REPEALED**

(Adopted, effective January 1, 2020) (Repealed, effective January 1, 2021)

Rule 3.3 Form of Papers

Reference CRC, rules 2.100-2.119, 3.1110. 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.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Amended, effective January 1, 2020)

Rule 3.4 Points and Authorities

Reference CRC, rule 3.1113.

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

Rule 3.5 Declarations and Affidavits

Reference CRC, rule 3.1115(a) and CCP '2015.5.

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

Rule 3.6 Judicial Notice

Reference CRC, rule 3.1306

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

## HEARINGS

### 3.7 Notice of Hearing and Filing of Papers

Reference CRC, rules 3.1300, 3.1302, CCP §§ 1005, 1005.5, 1010, et seq., 1011 and 1014

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007)(Amended, effective July 1, 2008)

### 3.8 List of Parties

Reference CRC, rule 3.254

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

### 3.9 Continuances and Taking Matters Off Calendar

#### **REPEALED**

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Amended, effective July 1, 2018) (Amended, effective January 1, 2020) (Repealed, effective January 1, 2021)

### 3.10 Tentative Rulings on Calendar of the Presiding Judge

(a) Reference California Rules of Court, rule 3.1308

(b) Availability. A tentative ruling on any law and motion matter on the Calendar of the Presiding Judge 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 <http://www.sanmateocourt.org>

(c) Notice of Intent to Appear. Reference California Rules of Court, rule 3.1308(a)(1).

(i) Parties intending to appear on any law and motion matter on the Calendar of the Presiding Judge shall notify the Department of the Presiding Judge 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.

(ii) 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 [PJLawAndMotion@sanmateocourt.org](mailto:PJLawAndMotion@sanmateocourt.org) 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.

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

### 3.11 Opposition on Ground of Unavailability of Evidence

#### **REPEALED**

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(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

3.12 Evidence at Hearing

Reference CRC, rule 3.1306.

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

3.13 CourtCall Telephonic Appearances

**REPEALED**

(Adopted, effective January 1, 2000) (Amended, July 1, 2005) (Amended, effective January 1, 2007)  
(Amended, effective January 1, 2008) (Repealed, effective January 1, 2021)

**PARTICULAR PROCEEDINGS**

3.14 Motions for Summary Judgment and Summary Adjudication

**REPEALED**

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2021)

3.15 Unlawful detainers

**REPEALED**

(Adopted, effective January 1, 2000). (Amended, effective January 1, 2013) (Amended, effective January 1, 2015)  
(Repealed, effective January 1, 2021)

3.16 Motions to Continue Arbitration

**REPEALED**

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2021)

Rule 3.17 Motions After Trial

All motions after trial until judgment is final shall be heard in the department where the case was tried, at a date and time designated by the judge of that department. 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.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2020)

Rule 3.18 Motions to Reconsider

Reference CCP 1008.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2000)

3.19 Ex Parte Applications and Orders

(A.) Reference CRC Rules 3.1200-3.1207 and 2.306.

(B.) Time and Place.

Ex parte applications for all matters to be heard by the Presiding Judge, as set forth in Local Rule 3.401(b), 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.

C.) Notice. Reference CRC Rule 2.306.

D.) Filing. 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) (Amended effective January 1, 2021) (Amended, effective July 1, 2021).

**DIRECT CALENDAR CIVIL DEPARTMENTS**

Rule 3.100 Application

Unless otherwise stated, these Direct Calendar Civil Departments Local Rules apply to all general civil cases and all unlawful detainer actions.

(Adopted, effective January 1, 2021).

**ASSIGNMENT OF CIVIL CASES**

Rule 3.200 Single Assignment of Civil Cases

(a) All Purposes Civil Judges. All general civil cases as defined by Rule 1.6(4) of the California Rules of Court (including complex cases), and all unlawful detainer actions pursuant to Code of Civil Procedure Section 1159 et seq., will be randomly assigned to a single Civil Judge for all purposes at the time of filing of the action. At least five (5) active judges will be assigned

by the Presiding Judge to serve as all-purposes single-assigned Civil Judges; and one (1) commissioner will be assigned by the Presiding Judge to serve as a Civil Commissioner.

(b) **Single Assignment of CEQA Actions.** If a petition for writ of mandate or complaint includes claims under CEQA (Public Resources Code section 21000 et seq.), the case will be assigned to a civil Judge designated to hear CEQA actions pursuant to Public Resources Code Section 21167.1. Plaintiff/Petitioner shall identify the petition or complaint as being filed pursuant to “CEQA” on the face of the petition or complaint. (Existing Local Rule 2.1.3.)

(Adopted, effective January 1, 2021).

### Rule 3.300 Complex Case Designations

(a) **Civil Cases Automatically Deemed Complex.** Recognizing that certain civil cases are defined as provisionally complex pursuant to California Rules of Court, Rule 3.400(c), considering the factors which make a case complex enumerated in CRC Rule 3.400(b), and consistent with the policy to determine as soon as reasonably practicable whether a case is complex under CRC Rule 3.403, the following case types are presumed to be complex and shall be automatically deemed a “complex case”:

(1) All general civil cases designated as a “class action” on the Civil Case Cover Sheet (form CM-010) per CRC Rule 3.401, or on the caption of the complaint as required by CRC Rule 3.761(a);

(2) All general civil cases alleging a claim under the Private Attorneys General Act (PAGA), Labor Code Section 2698 et seq., as a representative of aggrieved employees;

(3) All general civil cases identified as “provisionally complex civil litigation” on the Civil Case Cover Sheet (form CM-010);

(4) All Construction Defect cases, including all general civil cases seeking recovery of damages arising out of or related to deficiencies in the construction, design, specifications, surveying, planning, supervision, testing or observation of construction of a private or public residence or commercial building; and including all general civil cases seeking payment under contract for services of a general contractor, subcontractor, architect or designing, where a cross-complaint is filed alleging claims for deficiencies in the construction, design, specifications, surveying, planning, supervision, testing or observation of construction of a private or public residence or commercial building.

(5) All Judicial Council Coordination Proceedings. (See CRC Rules 3.501 et seq. and 3.712(c).)

(6) Shareholder derivative actions, and LLC member derivative actions. (See CRC Rule 3.400(c)(3).)

Accordingly, no hearing or further order is required under CRC Rule 3.403 for determination of that case as complex, except as provided in subsection (c) herein.

(b) **Complex Fees Due Upon Initial Filing.** Pursuant to Government Code Section 70616(a) and (b), the complex case fee and the first appearance fee must be paid at the time of the filing of the first paper by plaintiff and by defendant in a provisionally complex civil case.

(c) **Determination of Contested Complex Designation.** If the plaintiff has not designated the civil case as provisionally complex or as a class action on the Civil Case Cover Sheet, and a defendant files a Civil Case Cover Sheet counter-designating the action as complex (under CRC Rule 3.402(b)), or if the plaintiff has designated the case as provisionally complex or as a class action on the Civil Case Cover Sheet and a defendant files a Civil Case Cover Sheet counter-designating the action as not a complex case (under CRC Rule. 3.402(a)), the case will be set for complex determination within 30 days on the calendar of the Civil Supervising Judge.

(d) **Mandatory E-Service.** Pursuant to Code of Civil Procedure Section 1010.6(c), and California Rules of Court, Rule 2.253(c) and Rule 2.251(c), all parties and their counsel in complex civil cases shall serve all documents electronically, and accept service of documents electronically from all other parties, in conformity with Code of Civil Procedure Section 1010.6 and the California Rules of Court, except when personal service is required by statute. Counsel for the parties shall meet and confer, agree upon, and keep updated, an e-service list for that complex civil action. The parties are reminded that electronic service of documents may extend time periods for response by two (2) court days, pursuant to Code of Civil Procedure Section 1010.6(a)(4)(B).

(e) **Mandatory E-Service of Discovery.** All discovery methods (C.C.P. § 2019.010), including but not limited to notice of deposition, special interrogatories, form interrogatories, requests for production of documents, and requests for admissions, shall be served electronically upon counsel for the parties. All discovery responses by a party in response to a discovery method by another party shall be served electronically upon counsel for the parties. Production of documents shall be provided in electronic form, unless the parties agree otherwise in writing. If not previously established, counsel for the parties shall meet and confer regarding possible establishment of a joint electronic document depository for the uploading and downloading of electronic document productions.

(Adopted, effective January 1, 2021) (Amended effective January 1, 2022).

## **CIVIL LAW & MOTION CALENDAR**

### **Rule 3.400 Law and Motion in Single Assigned Civil Cases.**

All Law and Motion matters in all general civil cases as defined by Rule 1.6(4) of the California Rules of Court are heard by the Civil Judge assigned to that civil case.

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

### **Rule 3.401 Matters Not Heard in Civil Law and Motion Calendar.**

To be clear, the following matters are not single assigned to any Civil Judge for determination:



(a) Post-Trial Motions. All post-trial motions shall be heard by the judge or commissioner who presided over the trial in that civil action.

(b) Matters on Presiding Judge's Calendar. The following Law & Motion matters and ex parte applications should be scheduled on the Presiding Judge's Calendar, to be determined by the Presiding Judge or other designated judicial officer:

- (i) Petitions for name change;
- (ii) Petitions for gender change;
- (iii) Vexatious litigant motions pursuant to C.C.P. Sections 391-391.8;
- (iv) Petitions for Civil Harassment or Workplace Violence Temporary Restraining Orders pursuant to C.C.P. Section 527.6 or 527.8, and CRC Rules 3.1160-3.1161;
- (v) Gun violence restraining orders and emergency protective orders;
- (vi) Petitions for prohibition of firearms; and
- (vii) Original petitions for minor's compromise (not part of an existing civil case).

(c) Matters on Probate Calendar. The following Law & Motion matters and ex parte applications should be scheduled on the calendar of the Probate Department, to be determined by the Probate Judge or other designated judicial officer:

- (i) All matters identified in Local Rule 4.1; and
- (ii) All Lanterman-Petris-Short Act conservatorship proceedings.

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

#### Rule 3.402 Scheduling Civil Law and Motion Hearings

To calendar a date and time for the hearing of any motion in a general civil action or unlawful detainer action assigned to a Civil Judge, the requesting party shall consult the assigned Civil Department's Law & Motion Calendar Availability section of the Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org), and select an available date for hearing. To calendar a date and time for hearing of any motion in a civil action designated a complex case under Local Rule 3.300, the requesting party shall contact the department of the assigned Civil Judge to obtain and serve a date for hearing on a separate Complex Civil Law & Motion Calendar for that Civil Department.

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

#### Rule 3.403 Tentative Rulings in Civil Law and Motion

(a) Posting of Tentative Rulings. Reference CRC Rule 3.1308(a)(1). Each Civil Judge will post tentative rulings for their Law & Motion Calendars on the civil cases assigned to that Civil Judge. The tentative ruling on any law and motion matter assigned to a Civil Judge may be obtained after 3:00 p.m. on the first court day immediately preceding the hearing on the motion (i) by accessing the court's website at <http://www.sanmateocourt.org> or (ii) by telephoning that Civil Department at the telephone number listed on the Court's website.

(b) Notice of Intent to Appear Required. Reference California Rules of Court, Rule 3.1308(a)(1).

(i) A party intending to appear in order to contest the tentative ruling on a law and motion matter calendared for hearing must notify all counsel of record, self-represented parties, and the Civil Department of the Civil Judge assigned to that civil case by 4:00 p.m. on the court day before the hearing either by (A) emailing that Civil Department with that email contemporaneously copied to all parties or their counsel of record, or (B) by telephoning that Civil Department at the telephone number listed on the Court's website.

(ii) If notice is given by email, the contesting party must state in the subject line of the email the case name and case number. In the text of the email, the contesting party must state the specific motion, the party contesting, and the time estimate of counsel for oral argument by all parties. All emails must be sent in at least 12 point type. The Civil Department's email address is for the sending and receiving of notices to contest tentative ruling, and is not a venue for back-and-forth communications with the Court. Communications to the Civil Department email address is not part of the official court files – just like a paper letter, they are not “filed” documents – and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(iii) If there is no contest to the tentative ruling, the Court will adopt the tentative as its order.

***(iv) The prevailing party on a tentative ruling is required to prepare a proposed order repeating verbatim the tentative ruling. If the proposed order is for a motion that the Court granted and there is a mandatory Judicial Council form order (such as a motion to withdraw as counsel), the prevailing party should complete the Judicial Council form and submit it along with a copy of the tentative ruling.***

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

Rule 3.404 Off Calendar or Continuance of Civil Law & Motion Matters

Reference CRC Rule 3.1304

(a) Off Calendar. Any request to withdraw a motion or other matter already set for hearing on the Civil Law & Motion Calendar of a Civil 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 and motion matter off calendar must be either by (i) filing and service of a Notice of Withdrawal of Motion, or (ii) email correspondence to the Department of the Civil Judge assigned to the civil case, with the email contemporaneously copied to all counsel of record and any self-represented parties. 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 & Motion hearing.

(b) Continuances or Advances. Any request to change the hearing date of a law and motion matter already set for hearing on the Civil Law & Motion Calendar of a Civil Department must be in writing. Any such written request 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 the email address of the Department of the Civil Judge assigned to the civil case, with email contemporaneously copied to all counsel and self-represented parties. If by email, it must include the name of the case, the case number, the particular motion and the date of the hearing, and the names of the parties requesting continuance or advance of the hearing. 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.

(c) 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 County Clerk of the Court pursuant to Code of Civil Procedure Section 177.5.

(Adopted, effective January 1, 2021).

#### Rule 3.500 Ex Parte Applications in General Civil

(a) Ex parte applications in general civil actions are heard by the Civil Judge assigned to that civil 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. The parties must meet all requirements of CRC Rule 3.1200 et seq.

(b) 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 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 of the assigned Civil Judge no later than 15 minutes from the time set for ex parte hearings.

(c) 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. 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.

(d) Ex parte applicants and opponents must appear in person, 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 January 1, 2022) (Amended, effective July 1, 2023).

#### Rule 3.600 Correspondence with Civil Departments

(a) Mandatory Electronic Correspondence to Civil Departments. Correspondence to the Department of any Civil Judge, such as requested letter briefs, requests to take matters off calendar, and requests for rescheduling, regarding civil actions assigned to a Civil Judge shall be submitted electronically, rather than paper, by e-mail addressed to that Civil Department. For

example, emails to Department 2 shall be addressed to: Dept2@sanmateocourt.org. All electronic correspondence must be sent in at least 12 point type. All electronic correspondence with the Department of any Civil Judge must also be contemporaneously sent to opposing counsel or opposing self-represented parties. The Department's email address is for the sending and receiving of correspondence, and is not a venue for back-and-forth communications with the Civil Judge. Communications to the Civil Department email address is not part of the official court files – just like a paper letter, they are not “filed” documents – and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(b) **Mandatory Email Header.** All communications to any Civil Department email address must include in the header “subject line” the Case Number and Name of Case (e.g., 20CIV04321 Smith v. Jones).

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

Rule 3.700 Informal Discovery Conferences in General Civil Actions.

(a) **Mandatory Informal Discovery Conference.** In all general civil cases as defined by CRC Rule 1.6(4), no party may move to compel discovery or file any other discovery motion until the parties have had an Informal Discovery Conference with the Court. Counsel must have exhausted all meet and confer obligations before the Informal Discovery Conference.

(b) **Permissive Informal Discovery Conference with Third Parties.** The procedures set forth in Local Rule 3.700 apply to parties. With regard to discovery disputes with non-parties, the non-parties may elect to participate in the Informal Discovery Conference procedure, but are not required to do so.

(c) **Conducted by Civil Commissioner.** Informal Discovery Conferences will be scheduled with and conducted by the Civil Commissioner. As an Informal Discovery Conference does not involve the adjudication of any issue of disputed law or fact by the Civil Commissioner, Code of Civil Procedure Section 170.6 does not apply. The outcome of an Informal Discovery Conference does not bar a party from subsequently filing a discovery motion or prejudice the disposition of a discovery motion.

(d) **Remote Only.** Informal Discovery Conferences in general civil cases are conducted remote only by Zoom, and are not recorded by any party and are not reported by any court reporter.

(e) **Request for Informal Discovery Conference.**

(i) To request an Informal Discovery Conference, counsel must contact the Court by email at IDC@sanmateocourt.org, which email must be contemporaneously copied to counsel for all parties to the action and any self-represented parties. Any party requesting an Informal Discovery Conference shall identify the case name and number, the name of the party requesting the Informal Discovery Conference, the date and time reserved by that party for the Informal Discovery Conference, and the estimated length of the IDC session.

(ii) To reserve a date and time for the Informal Discovery Conference, the requesting party shall consult the Informal Discovery Conference Calendar Availability section of the Court's website at www.sanmateocourt.org, and request in the email (under subsection (e)(i)

above) an available IDC session for a date that is, at least, ten calendar days, but no later than 29 calendar days, from the date of the request for Informal Discovery Conference.

(f) Tolling of Deadline to File Motion. The time for bringing any motion to compel or other discovery motion is tolled starting on the date a party makes the email request for an Informal Discovery Conference to the Court. All requests for Informal Discovery Conference must be made well prior to the expiration of the statutory time to bring a motion to compel or other discovery motions.

(g) Email Correspondence Detailing Discovery Dispute.

(i) Within five (5) calendar days of the initial email request to the Court for an Informal Discovery Request, the disputing parties shall, jointly or separately, email correspondence to the Court at IDC@sanmateocourt.org, and contemporaneously to all parties, an electronic letter of no more than five (5) pages, without attachments, summarizing the discovery dispute(s). It shall include on the first line (i) the case name and number, (ii) the date and time reserved by the parties for the Informal Discovery Conference, and (iii) the estimated length of the IDC session.

(ii) Failure to timely provide the Court with email correspondence summarizing the discovery dispute(s) may, and likely will, result in the Informal Discovery Conference being vacated/cancelled, or advanced and concluded, and tolling of the time to file and serve any discovery motion will cease.

(h) Statutory Declaration Waived. The Court waives any requirement for the parties involved in the discovery dispute to file “meet and confer” declarations pursuant to Code of Civil Procedure Sections 2016.040 prior to the Informal Discovery Conference. The dispute will be addressed by the e-correspondence method/procedure set forth above; and the parties are requested not to file any such declarations unless and until the Informal Discovery Conference is unsuccessful and a formal discovery motion is subsequently filed.

(i) Email Requirements.

(i) All communications to the IDC@sanmateocourt.org email address must include in the header “subject line” the Case Number and Name of Case (e.g., 19CIV06543 Smith v. Jones).

(ii) All correspondence regarding any Informal Discovery Conference, such as IDC letter briefs, requests to take matters off calendar, and requests for rescheduling, shall be submitted electronically, rather than paper, by e-mail addressed to IDC@sanmateocourt.org. All electronic correspondence must be sent in at least 12 point type. All electronic correspondence with the IDC Department must also be contemporaneously sent to opposing counsel or opposing self-represented parties. The IDC Department’s email address is for the sending and receiving of correspondence, and is not a venue for back-and-forth communications with the Civil Commissioner.

(iii) Communications to the IDC email address are not part of the official court files; and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(j) Authorization of Civil Commissioner.

(i) Good cause appearing, the Civil Commissioner may, and is authorized to, continue the Informal Discovery Conference, or schedule further proceedings on the same

discovery disputes via Informal Discovery Conference. The Civil Commissioner shall enter minutes in the civil case docket indicating that an Informal Discovery Conference was held, the date held, the counsel and parties attending, and whether or not all discovery disputes were resolved.

(ii) If a party to a discovery dispute is notified of the Informal Discovery Conference and fails to appear, the Civil Commissioner may, and is authorized to, reschedule or cancel or conclude the Informal Discovery Conference, or issue an Order to Show Cause Re: Sanctions for failure to appear.

(k) Motion if Unresolved Discovery Disputes. If any discovery dispute is not resolved following the Informal Discovery Conference, any party may proceed to file and calendar hearing on a motion to compel or other discovery motion in the department of the Civil Judge assigned to that civil case. The tolling (stay) of the time for bringing any motion to compel or other discovery motion, as set forth in Local Rule 3.700(f), is automatically lifted, and no longer tolled, upon completion of the Informal Discovery Conference, unless otherwise stipulated by counsel for the parties in writing, pursuant to Code of Civil Procedure Section 2016.030.

(Adopted, effective January 1, 2021) (Amended, effective July 1, 2021) (Amended effective July 1, 2022) (Amended, effective July 1, 2023).

## **CASE MANAGEMENT**

### Rule 3.800 Scope

These Rules 3.800 et seq. apply to Case Management of all general civil cases as defined by Rule 1.6(4) of the California Rules of Court, which are not complex cases. These Rules are adopted to meet and advance the goals of Government Code Sections 68603 and 68602, Section 2.2 of the Standards of Judicial Administration, and Rules 3.710-3.735, 10.900, and 10.901 of the California Rules of Court.

(Adopted, effective January 1, 2021)

### Rule 3.801 Setting of the Initial Case Management Conference

Upon the filing of an initial complaint in all general civil cases, as defined by CRC Rule 1.6(4), the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes and Setting of Case Management Conference. The initial Case Management Conference shall be set for a date within 120 days of filing the complaint, and scheduled before the Civil Commissioner.

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

### Rule 3.802 Petitions for Writ and CEQA Actions

Upon the filing of any petition for writ (or other petition not identified in Local Rule 3.401), or of any action under CEQA (whether by complaint or by petition for writ), the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes and Notice of Case Management and Trial Setting Conference. The initial Case Management and Trial Setting Conference shall be set for a date within sixty (60) days, and scheduled before the assigned Civil Judge. Petitions for

Writ and CEQA cases are exempt and not otherwise subject to these Case Management Rules or ADR process, unless otherwise ordered by the assigned Civil Judge; except that at the same time as service of the petition for writ or CEQA complaint/petition, plaintiff/petitioner must also serve all defendants, respondents and real parties in interest with the Notice of Assignment for All Purposes and Setting of Case Management and Trial Setting Conference.

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

Rule 3.803 Complex Civil Cases

Upon the filing of any complaint in a provisionally complex cases or a civil case deemed complex, the Clerk of the Court will issue and provide a Notice of Assignment for All Purposes, as Complex Case, Setting of Case Management and Trial Setting Conference, and Complex Fees Due. The initial Case Management and Trial Setting Conference shall be set for a date within ninety (90) days, and scheduled before the assigned Civil Judge. Complex civil cases are exempt and not otherwise subject to these Case Management Rules or ADR process, unless otherwise ordered by the assigned Civil Judge; except that at the same time as service of the complaint and summons, plaintiff must also serve all defendants with Plaintiff's Civil Case Cover Sheet (per CRC Rule 3.220) and Notice of Assignment for All Purposes, Designation as Complex Case, Setting of Case Management and Trial Setting Conference, and Complex Fees Due. Pursuant to CRC Rule 3.110(b), the complaint must be served upon all named defendants within sixty (60) days after filing of the complaint; and proofs of service of process upon all named defendants, must be filed with the Court within sixty (60) days after filing of the complaint.

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

Rule 3.804 Service of Process Requirements

(a) At the same time as service of the complaint and summons, plaintiff must also serve all defendants with the following documents:

- (i) Plaintiff's Civil Case Cover Sheet, if required by CRC Rule 3.220;
- (ii) Notice of Assignment for All Purposes and Notice of Case Management Conference;
- (iii) Court's ADR information package, per CRC Rule 3.221; and
- (iv) A blank form of the Case Management Statement (CM-110).

(b) Pursuant to CRC Rule 3.110(b), the complaint must be served upon all named defendants within sixty (60) days after filing of the complaint; and proofs of service of process upon all named defendants, must be filed with the Court within sixty (60) days after filing of the complaint.

(c) Pursuant to CRC Rule 3.110(c), any cross-complaint adding a new party must be served upon all named cross-defendants (and contemporaneously served upon all parties who previously appeared in that civil case), and proofs of service of process upon the new parties must be filed within thirty (30) days of the filing of the cross-complaint.

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

Rule 3.805 Initial Case Management Conference Requirements

(a) The goal is that all parties be served and appear in the civil case prior to the initial Case Management Conference. All proofs of service of process must be filed no later than ten (10) days prior to the initial Case Management Conference. Failure of plaintiff to timely serve the complaint and timely file proofs of service of process upon all named defendants may result in the Court continuing the initial Case Management Conference and/or issuance of any Order to Show Cause re: Sanctions.

(b) No later than thirty (30) calendar days prior to the date of the initial Case Management Conference, the parties must meet and confer, in person or by telephone, to consider each of the issues identified in CRC Rule 3.724.

(c) Pursuant to CRC Rule 3.725, all parties must file and serve a Case Management Statement (form CM-110) at least fifteen (15) calendar days prior to the date set for the initial Case Management Conference. Failure of any party to timely file and serve a Case Management Statement may result in the Court continuing the initial Case Management Conference and/or issuance of an Order to Show Cause re: Sanctions.

(d) Pursuant to CRC Rule 3.722(d), based upon the Court's review of the filed documents and the docket of that general civil action, the Court may determine that appearances at the initial Case Management Conference are not necessary at that time, and determine that the Case Management Conference should be continued due to the fact that the case is not yet at-issue, or due to failure of the parties to comply with the Code of Civil Procedure, the California Rules of Court, and/or these Local Rules. This is likely to occur when (i) plaintiff has failed to timely file proofs of service of the summons and complaint upon all defendants, (ii) not all Defendants have filed an appearance in the action and/or had a default entered against them, or (iii) not all Defendants have filed an answer and/or had a default entered against them.

(e) If the Case Management Conference is continued, all parties must file and serve a new Case Management Statement (form CM-110), individually or jointly, at least fifteen (15) calendar days prior to the date of the latest Case Management Conference.

(f) After all parties have made a formal appearance in a general civil action, the parties may directly proceed to an Appropriate Dispute Resolution ("ADR") process by filing a Stipulation and Order to Appropriate Dispute Resolution (local form ADR-CV-1). If all parties file a completed Stipulation and Order to ADR at least twelve (12) calendar days prior to the date of the Case Management Conference, the Case Management Conference will be vacated (i.e., taken off the Court's calendar), and the general civil action will be referred to the ADR Analyst.

(g) Pursuant to CRC Rule 3.722(d), based upon the Court's review of the filed documents and the docket of that general civil action, the Court may determine that appearances at the initial Case Management Conference are not necessary at that time, as the general civil case is at-issue and the parties have indicated in their Case Management Statements that they are willing to participate in ADR and are agreeable to the same ADR procedure. If so, the Court may order that general civil case referred to the Court's ADR Analyst.

(h) Pursuant to CRC Rule 2.30, the Court is empowered to impose monetary sanctions of a minimum of \$150.00 upon any party or their counsel for failure to follow the requirements of



these Case Management Local Rules, or of the California Rules of Court, or of the Code of Civil Procedure.

(Adopted, effective January 1, 2021).

Rule 3.900 Appropriate Dispute Resolution and ADR Division. Reference CRC Rules 3.800-3.860.

(Adopted, effective January 1, 2021).

Rule 3.901 ADR Policy

The Court finds it is in the best interests of parties to litigation to participate in appropriate dispute resolution procedures, including but not limited to mediation, neutral evaluation, private or judicial arbitration, voluntary settlement conferences, and the use of special masters and referees. Therefore, all parties are expected to stipulate to, or be referred to, an appropriate form of dispute resolution before the case is set for trial. Parties are encouraged to stipulate to judicial arbitration or an ADR process prior to the initial Case Management Conference.

(Adopted, effective January 1, 2021).

Rule 3.902 Uninsured Motorist Cases

If prior to the initial filing of the complaint a matter has been submitted to arbitration pursuant to uninsured motorist insurance, the plaintiff shall identify the case as “Auto Tort Uninsured Motorist” on the Civil Case Cover Sheet and shall file a notice to that effect with the Court at the time of filing the complaint. The notice shall include the name, address and telephone number of the insurance company, along with the claim number or other designation under which the matter is being processed.

(Adopted, effective January 1, 2021).

Rule 3.903 Stipulation to Judicial Arbitration

(a) The Court may order general civil cases subject to Code of Civil Procedure Section 1141.10 et seq., to judicial arbitration. If the case is at issue, and all counsel and self-represented parties stipulate in writing to judicial arbitration prior to the Case Management Conference, discovery will remain open following judicial arbitration. In order to avoid any need to appear thereat, a written stipulation to judicial arbitration must be filed with the Court and a copy immediately emailed to the Case Management Coordinator at CMC@sanmateocourt.org at least the twelve (12) calendar days before the Case Management Conference. A written stipulation to judicial arbitration will be deemed to be without a limit as to the amount of the award unless it expressly states otherwise.

(b) If the general civil case is subject to judicial arbitration, by stipulation or by court order, the matter will be referred to the ADR Analyst. The ADR staff will send a list to all counsel and self-represented parties of the panel of arbitrators within 15 days, pursuant to CRC Rule 3.815. Each side will have ten (10) calendar days to file any written rejection. Promptly upon the

expiration of the 10-day period, the ADR staff will appoint the judicial arbitrator and send notice of that appointment to the arbitrator and to all parties. Notice shall include the expiration date of the arbitrator's jurisdiction. The judicial arbitration shall complete the arbitration hearing within ninety (90) days from appointment, unless a continuance is granted pursuant to CRC Rule 3.817. Within ten (10) days after the conclusion of the arbitration hearing, the arbitrator must file the arbitration award with the Court, including proof of service on each party to the arbitration, pursuant to CRC Rule 3.825. The arbitration award will be entered as a judgment if no trial de novo is timely filed pursuant to CRC Rule 3.826. If a trial de novo is filed, the general civil case will be schedule for Trial Setting Conference with the assigned Civil Judge.

(c) It is the policy of this Court to make every effort to process cases in a timely manner. Parties who elect or are ordered by the Court to judicial arbitration must complete the judicial arbitration hearing within the time frame specified by the Court.

(d) Parties who wish to continue the arbitration hearing after the jurisdictional time frame must filed local form Ex Parte Motion and Stipulation for Continuance of Judicial Arbitration Hearing with the Court, with a copy contemporaneously emailed to the ADR staff at ADR@sanmateocourt.org. Continuances without adequate grounds and good cause will not be considered. The Civil Commissioner or assigned Civil Judge will either grant or deny the request for continuance. If the request is denied, the case may be set for further Case Management Conference. If the request is granted, the Court will impose a new deadline by which the judicial arbitration must be completed.

(e) Parties who wish to change their ADR process from judicial arbitration to another form of ADR must file a Stipulation and [Proposed] Order to Mediation in Lieu of Court-Ordered Judicial Arbitration (local form ADR-CSARB) with the Court, with a copy contemporaneously emailed to the ADR Director at ADR@sanmateocourt.org. The Stipulation must state that parties have: (i) notified both the judicial arbitration and ADR coordinators; (ii) cancelled the judicial arbitration hearing; (iii) scheduled the ADR session within five months of the previously scheduled judicial arbitration hearing; and (iv) stipulated to a date for Trial Setting Conference, which is not more than six (6) months from the previously scheduled judicial arbitration hearing.

(Adopted, effective January 1, 2021).

Rule 3.904 Stipulations to Private Appropriate Dispute Resolution

(a) If a case is at-issue and all counsel and self-represented parties stipulate in writing to an ADR process, and file a completed Stipulation and Order to ADR with the Court at least twelve (12) calendar days before the Case Management Conference, that conference shall be vacated.

(b) If a case is at-issue and all counsel and self-represented parties have indicated in their Case Management Statements that they are willing to participate in ADR and all willing to proceed to the same ADR process, such as mediation, private arbitration, or neutral evaluation (other than judicial arbitration), the general civil case will be referred by the Court to the ADR Department for issuance of a formal ADR order. Counsel and self-represented parties shall sign and submit a formal Stipulation and Order to ADR within 21 days from the date of issuance of the ADR order.

(c) If a case is at-issue and the counsel and self-represented parties have yet to mutually agree upon any appropriate ADR process, they shall appear at the initial Case Management Conference before the Civil Commissioner, unless the Court issues an Order requiring the parties to meet and confer to select an ADR process and continues the Case Management Conference in the interim. A blank Stipulation and Order to ADR will be included with such Order.

(d) The ADR process shall be completed within ninety (90) days, unless a request for continuance is made by submitting an extension request online at [https://www.sanmateocourt.org/court\\_divisions/adr/civil/stipulation\\_extension.php](https://www.sanmateocourt.org/court_divisions/adr/civil/stipulation_extension.php).

(e) Failure of the parties to comply with these ADR Local Rules, and the deadlines set forth herein, may result in the issuance of an Order to Show Cause re: Sanctions.

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

Rule 3.905 Completion of ADR Process

(a) Upon the completion of the selected ADR process, other than judicial arbitration, if a resolution of disputes is achieved, the parties shall file and serve either (i) a Notice of Settlement; (ii) a Request for Dismissal; (iii) a Stipulated Judgment; or (iv) a motion for approval of settlement, if a motion is required by law. An Order to Show Cause Re: Dismissal will be issued and hearing set before the Civil Commissioner for a date at least 45 days after the filing of any Notice of Settlement where the settlement unconditional, or a date after the completion date indicated in the Notice of Settlement where the settlement is conditional.

(b) Upon the completion of the selected ADR process, if not all disputes are resolved, parties shall sign and file a Statement of Nonagreement (ADR-CV-11) to facilitate the setting of the post-ADR Case Management and Trial Setting Conference before the assigned Civil Judge.

(c) To maintain the quality of ADR services the court requires cooperation from all parties, counsel and ADR providers in completing ADR evaluation forms, and returning these forms to the ADR department within 10 calendar days of the completion of the ADR process.

(d) 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. (For complete complaint procedure guidelines, see court web site: [https://www.sanmateocourt.org/court\\_divisions/adr/civil](https://www.sanmateocourt.org/court_divisions/adr/civil))

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

Rule 3.1000 Post-ADR Case Management and Trial Setting Conference

(a) After the parties have participated in an ADR process in any general civil case, the Court will issue notice setting a Case Management and Trial Setting Conference before the

assigned Civil Judge. At the Case Management and Trial Setting Conference, the Civil Judge will consider the facts and circumstances identified in CRC Rules 3.728 and 3.729. Trial counsel for all parties shall attend the Case Management and Trial Setting Conference. Thereafter, the Court will issue notice(s) of the date set for Mandatory Settlement Conference, the date set for commencement of trial, whether the trial will be by court or jury, and the anticipated length of trial.

(b) At least fifteen (15) calendar days before the date of the Case Management and Trial Setting Conference, counsel for the parties and any self-represented parties shall file and serve, jointly or individually, a written Case Management and Trial Setting Conference in prose and in detail, not using the standardized Judicial Council form CM-110. The Case Management and Trial Setting Conference Statement shall include all items set forth in CRC Rule 3.717 and any relevant facts or circumstances regarding the setting of the trial date as set forth in CRC Rule 3.729. The Case Management and Trial Setting Conference Statement shall also include information as to the status of completion of production of documents, the status of completion of party and witness depositions, and the status of expert witness discovery.

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

Rule 3.1100 Mandatory Settlement Conferences

(a) In all general civil cases as defined in CRC Rule 1.6(4), and in any complex cases in the discretion of the assigned Civil Judge, and in any Probate matters subject to Local Rule 4.3(c), the civil case will be set for a Mandatory Settlement Conference prior to trial. The Mandatory Settlement Conference will be conducted by a Civil Judge or Probate Judge who is not assigned as the single-assigned judge for that case.

(b) The following persons must attend the Mandatory Settlement Conference:

(i) The attorney who will try the civil case or an informed attorney with full authority to negotiate a settlement of the case shall personally attend.

(ii) All named parties who have appeared in the civil case, and are not subject to default, dismissal, or prior Notice of Settlement.

(iii) Any persons whose consent is required to authorize settlement shall personally attend; those parties that are corporations or other legal entity shall have in attendance an officer or other employee with authority to bind the corporation or other legal entity.

(iv) Powers of attorney, oral or written, granting counsel settlement authority are unacceptable as a substitute for personal attendance of parties and/or representatives of legal entities at the Mandatory Settlement Conference.

(v) With respect to any insured party, a representative of the insurance carrier with authority to settle which is meaningful considering the exposure to loss presented shall personally attend. If the claims representative in personal attendance has any limitation on his or her settlement authority, a representative of the carrier who has no such limitations shall be available to the court by telephone and shall remain available until released by the Civil judge conducting the Mandatory Settlement Conference, regardless of the time of day at the location of that representative.

(c) The personal attendance of any person who is required by this Rule or by CRC Rule 3.1380(b) to be present at the Mandatory Settlement Conference may be excused only by the Civil

Judge assigned to that civil case upon application made prior to the day on which the Mandatory Settlement Conference is scheduled. Any such person whose attendance is excused must remain available by telephone until he or she has been excused by the Civil Judge conducting the Mandatory Settlement Conference regardless of the time of day at the location of that person.

(d) No later than five (5) court days before the initial date set for the Mandatory Settlement Conference, each party shall lodge with the Court and serve on all other parties a Mandatory Settlement Conference Statement containing any and all information, facts, and details as required by CRC Rule 3.1380(c).

(e) Upon arrival at the Civil Department to which the Mandatory Settlement Conference has been assigned, counsel shall check in with the courtroom clerk and shall verify the attendance of those persons whose presence is required.

(f) No Mandatory Settlement Conference may be continued without the consent of the assigned Civil Judge. At the Mandatory Settlement Conference, if settlement discussions are inconclusive, the Civil Judge conducting the Mandatory Settlement Conference may continue it to a later date for further settlement discussions before that same Civil Judge.

(g) Sanctions pursuant to CRC Rule 2.30 shall be imposed for any violation of this Rule. The minimum sanction imposed shall be \$250.00 payable to the court; sanctions payable to the Court may be larger where appropriate and will be in addition to appropriate attorney fees and calendar changes. Sanctions mandated hereby may be waived by the Civil Judge conducting the Mandatory Settlement Conference only upon an application showing good cause why sanctions should not be imposed.

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

## **UNLAWFUL DETAINER ACTIONS**

### **Rule 3.1200 Law & Motion Matters in Unlawful Detainer Actions.**

All Unlawful Detainer actions, pursuant to Code of Civil Procedure Section 1159 et seq., will be randomly assigned to a single Civil Judge for all purposes at the time of filing of the action. All law and motion matters in Unlawful Detainer actions shall be calendared with and adjudicated by the Civil Judge assigned to that civil case, except that uncontested ex parte applications and uncontested motions that do not require a hearing may be determined by and order entered by Civil Commissioner as set forth in Local Rule 3.1202. All contested law and motion matters, including any and all motions requiring a hearing, shall be calendared with and adjudicated by the assigned Civil Judge, not the Civil Commissioner.

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

### **Rule 3.1201 Special Deadlines for Unlawful Detainer Law & Motion Matters.**

The Civil Law & Motion Calendar Local Rules shall apply to all unlawful detainer actions, except as otherwise provided below:

(i) Any motion to quash service of summons or motion to stay or dismiss the action on the ground of inconvenient forum, under Code of Civil Procedure Section 418.10(a), must be filed within the five (5) court day period allotted for responding to the Unlawful Detainer complaint, as required by Code of Civil Procedure Section 1167(a). Hearing on such motion shall be set between three (3) and seven (7) calendar days thereafter, pursuant to C.C.P. Section 1167.4.

(ii) As to any demurrer or other motion regarding the pleadings, other than a motion under C.C.P. Section 418.10(a), and as to any motion pursuant to C.C.P. section 1170.5(b) or (c), the hearing thereon shall be set on the Civil Law and Motion Calendar pursuant to C.C.P. Section 1005, which requires sixteen (16) court days' notice. Any party seeking a hearing date on less than 16-court-days' notice shall be required to obtain an ex parte order shortening time pursuant to CRC Rules 3.1200-3.1207.

(iii) As to any motion to compel or other discovery motion, pursuant to C.C.P. Section 1170.8, five (5) days' notice is required. Hearing on such discovery motion shall be set between seven (7) and ten (10) court days after the date the motion is filed.

(iv) As to any motion for summary judgment or motion for judgment on the pleadings, hearing on such motion shall be set between seven (7) and ten (10) court days after the date the motion is filed. (See C.C.P. Section 1170.7.) The notice of motion must comply with CRC Rule 3.1351(a).

The parties are reminded that the time extensions triggered pursuant to Code of Civil Procedure Sections 1005(b), 1010.6, and 1013 apply to Unlawful Detainer actions. Counsel and parties are cautioned to consider the additional time for service when calendaring motions. [Example: Summary judgment motions are set on 5 days' notice but if service is by mail, 5 additional days for service must be added.]

(Adopted, effective January 1, 2021).

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).

Rule 3.1203 Summary Dismissal for Failure to Prosecute.

Pursuant to C.C.P. Section 1167.1, if proof of service of the summons and complaint is not filed by plaintiff in an Unlawful Detainer action within 60 days of the initial filing of the complaint, the Court may issue summary dismissal without prejudice.

(Adopted, effective January 1, 2021).

Rule 3.1204 Unlawful Detainer Pretrial Conference.

(a) If all defendants appear and file an answer to the complaint and/or have a default judgment entered against them and/or have a dismissal entered in their favor, upon the filing of a Request to Set Case for Trial – Unlawful Detainer (JCC form UD-150), the Unlawful Detainer action will be set for a Pretrial Conference date and Trial date within 20 days of filing the Request.

(b) The Unlawful Detainer Pretrial Conference will be held approximately four (4) days prior to the date set for trial, and conducted by the Civil Commissioner. All parties and their counsel of record must attend the Pretrial Conference in person, unless otherwise ordered by the Court. At the Pretrial Conference, the Civil Commissioner will work with the parties towards settlement of the Unlawful Detainer action. At the Pretrial Settlement Conference, the parties and the Civil Commissioner will also discuss (i) whether any party has timely demanded a jury and

timely paid the jury fee deposit required by C.C.P. Section 631(c)(1), (ii) whether the trial will be by the Court rather than jury, (iii) whether the parties are willing to stipulate to trial before the Civil Commissioner, and (iv) estimated length of trial.

(Adopted, effective January 1, 2021).

Rule 3.1205 Unlawful Detainer Trial Assignment

(a) On the date set for trial, the Civil Commissioner shall call the trial calendar for all Unlawful Detainer actions set for court trial. If the parties stipulate or have stipulated to court trial adjudication by the Civil Commissioner, the matter will proceed. If the parties do not stipulate to the Civil Commissioner, the court trial adjudication will proceed before the assigned Civil Judge after appearing before the Civil Commissioner for call of the trial calendar.

(b) If the Unlawful Detainer action is still scheduled for jury trial after the Pretrial Conference, the matter will proceed before the assigned Civil Judge on the Trial Calendar scheduled for that Civil Department.

(Adopted, effective January 1, 2021).

**COLLECTIONS CASES**

Rule 3.1300 Collections Cases. Reference CRC Rules 3.740 et seq.

(Adopted, effective January 1, 2021).

Rule 3.1301. Proper Designation on Civil Case Cover Sheet.

For all Collections Cases, as defined by CRC Rule 3.740(a), the plaintiff must check the case type box “Rule 3.740 collections” on the Civil Case Cover Sheet (form CM-010) as mandated by CRC Rule 3.740(b). Failure to properly designate a civil action as a Collections Case may result in the issuance of an Order to Show Cause why monetary sanctions of \$250.00 or more should not be imposed for violation of the California Rules of Court and violation of these Local Rules.

(Adopted, effective January 1, 2021).

Rule 3.1302 Case Management of Collections Cases.

(a) Upon filing the complaint, all Collections Cases shall be set for a Case Management Conference with the Civil Commissioner at least 180 days therefrom.

(b) Pursuant to CRC Rule 3.740(d), the complaint and summon in all Collections Cases must be served upon all defendants, and proofs of service of process upon all defendants filed with the Court, or the plaintiff must obtain an order for service by publication, within 180 days after filing of the initial complaint.

(c) Pursuant to CRC Rule 3.740(f), plaintiff must obtain a default judgment within 360 days after filing of the initial complaint against any defendants who do not file a responsive pleading,



(d) If all named defendants have filed an answer to the complaint prior to the Case Management Conference, the Collections Case will be referred to ADR, and proceed as a general civil case.

(e) If all named defendants have filed an answer to the complaint or have had a default entered against them prior to the Case Management Conference, the Collections Case will be reset for a Case Management Conference with the Civil Commissioner, at least 360 days after the filing of the initial complaint.

(f) If plaintiff fails to timely file proofs of service of process upon all defendants, the Court will issue an Order to Show Cause why monetary sanctions of \$250.00 or more should not be imposed, and set the Collections Case for OSC hearing with the Civil Commissioner.

(g) If plaintiff timely files proofs of service of process upon all defendants, but not all defendants have filed an answer to the complaint or had a default entered against them prior to the Case Management Conference, the Collections Case will be reset for a Case Management Conference with the Civil Commissioner, at least 360 days after the filing of the initial complaint.

(h) If all named defendants have filed an answer to the complaint or have had a default judgment entered against them prior to the 360-day Case Management Conference, the Collections Case will be referred to ADR and proceed as a general civil case as to those defendants who have appeared.

(i) If plaintiff fails to timely obtain a default judgment against all defendants who have not filed a responsive pleading, pursuant to CRC Rule 3.740(f), the Court will issue an Order to Show Cause why monetary sanctions of \$250.00 or more should not be imposed, and set the Collections Case for OSC hearing with the Civil Commissioner.

(Adopted, effective January 1, 2021).

Rule 3.1303 Collections Cases Law & Motion. All Law & Motion matters in Collections Cases shall be calendared with and adjudicated by the Civil Judge assigned to that civil case.

(Adopted, effective January 1, 2021).

## **JUDGMENT CREDITOR ORDERS OF EXAMINATION**

### Rule 3.1400 Orders of Examination.

In all general civil actions and unlawful detainer actions, examination proceedings upon application of a judgment creditor, pursuant to Code of Civil Procedure Sections 708.110 et seq., shall be set for appearance before the Civil Commissioner. The Civil Commissioner is authorized, pursuant to C.C.P. Section 708.110, and given all powers over orders of examination and over examination proceedings as provided under Section 708.140(a).

(Adopted, effective January 1, 2021).

## **COURTCALL TELEPHONIC APPEARANCES**

### Rule 3.1500 Remote Appearances

Unless otherwise ordered by the Court, parties may appear remotely in all general civil cases, unlawful detainer actions, and complex cases. Parties must follow the remote appearance requirements of the department of the assigned Civil Judge, which are available on the Court's website [www.sanmateocourt.org](http://www.sanmateocourt.org) under the Civil Department section, and click on the assigned Civil Judge's name to link to their remote appearance information and their department's procedures.

(Adopted, effective January 1, 2020) (Amended, effective July 1, 2021).



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**PROBATE DEPARTMENT**

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**DIVISION IV  
PROBATE DEPARTMENT**

*ALL REFERENCES TO CODE SECTIONS REFER TO THE PROBATE CODE  
UNLESS OTHERWISE INDICATED*

**CHAPTER 1. ORGANIZATION AND ADMINISTRATION**

Rule 4.1 General Provisions

A. The Probate Department shall handle hear and determine all matters arising under the Probate Code, including but not limited to all matters relating to Estates, Trusts, Conservatorships, Guardianships, and the protection of Elders under the Welfare and Institutions Code; and the Probate Department is authorized to and granted subject matter jurisdiction to adjudicate all general civil matters relating to Estates, Trusts, Conservatorships, Guardianships, and the protection of Elders, including but not limited to claims relating to the ownership, management or rights to property owned or claimed by Estates, Trusts, Conservatorships, Guardianships, or Elders.

All Unlawful Detainer matters will continue to be heard as civil matters, regardless of the nature of the parties involved.

The claims alleged in the pleadings filed by the parties in a given matter -- not the case number assigned to the matter by the Court -- determines the type of jurisdiction being invoked. Absent pleadings indicating otherwise, the Probate Department will exercise the full extent of general subject matter jurisdiction over civil matters assigned to the Probate Department.

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) one court day prior to the hearing.

Matters set on the non-appearance calendar are considered pre-approved, but still subject to objection. If an appearance becomes necessary due to an objection received after the tentative ruling was posted or for some other reason for a matter that had been set on the non-appearance calendar, the matter will be continued and the clerk of the court will notify the parties of the continued hearing date. The continued hearing date will also be displayed on the Odyssey Portal on the court's website.

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

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

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.

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

G. Venue for Probate Cases

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

Rule 4.2 Hearing

A 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](http://www.sanmateocourt.org) 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 cases on 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. 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 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.)

Rule 4.3 Probate Trials and Contested Matters

(a) All trials and contested hearings in any proceedings under the Probate Code, which trial or contested hearing is estimated to take less than three court days (i.e., five half days or less), will be heard and set on the calendar of the designated Probate Department.

(b) All trials and contested hearings in any proceedings under the Probate Code, which trial or contested hearing (requiring adjudication of disputed material facts) is estimated to take three court days or more (i.e., six half days or more), will be heard and set on the Master Calendar for assignment, after the parties have participated in a Mandatory Settlement Conference

(c) All parties in any proceedings under the Probate Code, where the trial or other contested hearing (requiring adjudication of disputed material facts) is estimated to take three court days or more (i.e., six half days or more), must participate in a Mandatory Settlement Conference, and comply with Local Rule 3.1100.

(Prior Rule 4.3 adopted July 1, 1996 was repealed July 1, 2004; new Rule 4.3 Adopted effective January 1, 2023.)

Rule 4.4 Length of Hearing

The estimated length of the hearing shall determine on which calendar the matter is to be set.

(a) All matters estimated by counsel/self-represented party to last no longer than fifteen (15) minutes in duration shall be set on the daily Probate Calendar.

(b) All matters estimated by counsel/self-represented party to require a hearing of longer than fifteen (15) minutes shall be set on the Probate long-cause calendar. Long cause matters will be specially set in the designated Probate Department depending upon the Probate Calendar and availability. Counsel/self-represented parties shall contact the clerk of the court in the Probate Department to obtain a special set hearing date and time prior to filing the initial application or motion to be set for hearing.

(i) When a matter is put on the long cause calendar, all papers in support or opposition of the matter must be filed and served five (5) court days in advance of the hearing date.

(ii) All long cause matters shall comply with the Law and Motion rules.

(Adopted, effective July 1, 1996; Amended, effective January 1, 2000; Amended, effective July 1, 2004; Amended, effective July 1, 2009; Amended, effective January 1, 2014; Amended, effective January 1, 2023.)

Rule 4.5 Non-Appearance

Those matters which may be determined upon a verified petition and without testimony shall be submitted for appropriate action by the Court without appearance by counsel/self-represented parties or witnesses provided that all required documents are submitted timely, as follows:

A. All declarations, affidavits, consents, waivers, proofs of service, proofs of publications, proposed orders and other necessary papers shall be delivered to the Superior Court Clerk's Office, Probate

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Division, no later than five (5) court days prior to the hearing. Supporting papers filed after the moving papers must show the scheduled hearing date on the face sheet.

- B. The verified petition or an accompanying affidavit signed by the petitioner or by the personal representative or by counsel of record for either of said persons shall set forth the information necessary to establish the amount of bond, if one is required.
- C. Failure to submit all necessary papers 5 court days prior to the hearing will result in a continuance of the matter at the court's discretion and convenience.
- D. All matters will be non-appearance except as stated in Rule 4.6 or where required by the court.

(Adopted, effective July 1, 1996; Amended, effective July 1, 2004)

Rule 4.6 Appearance

- A. Generally. An appearance will 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). 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 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)

Rule 4.7 Ex Parte Matters

- 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.

All Probate ex parte applications must comply with California Rules of Court, Rules 3.1203-3.1204.

D. Each petition for an ex parte order must be verified and must contain sufficient evidentiary facts to justify issuing an order.

E. Probate ex partes shall be heard each day between 10:00 a.m. and 11:00 a.m. by the Probate Department. 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.)

## CHAPTER 2. PLEADINGS

### Rule 4.8 Caption

All probate pleadings shall conform to the caption requirements of Code of Civil Procedure §422.30(a), et seq. and CRC Rule 2.111. In addition, all probate pleadings must clearly and completely identify the nature of the relief sought or granted. The caption of the pleading shall include the date, time and location of any scheduled hearing. All pleadings shall have identified the attorney of record or state that the party is appearing in pro per. A facsimile number, if available, shall be included below the attorney's/self-represented party's telephone number and email address.

Reference: CCP § 422.30(a), California Rules of Court, Rules 2.111, 3.1110 and 7.102.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004) (Amended, eff. January 1, 2007) (Amended, effective July 1, 2021).

### Rule 4.9 Petition

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)

### Rule 4.10 Judicial Council Forms

A. All Judicial Council adopted Probate forms must be used where applicable (Probate Code § 1001, California Rules of Court, Rule 7.101). In addition, the Superior Court in San Mateo County requires the use of the following local court forms:

1. Conservatee's Information and List of Relatives (PR-1)
2. Notification to Court of Addresses for Guardianship (PR-2)
3. Request for Appointment of Probate Referee [Probate Estates](PR-5)
4. Uncontested Calendar Request [All Probate](PR-CV-FL-7)
5. Guardianship Affidavit, Questionnaire, and Declaration (PR-18)
6. Confidential Status Report (Conservatorship) (PR-19) (or a more detailed pleading that contains, at the minimum, all of the information that is required in PR 19).

B. All pertinent information requested on a form must be completed in its entirety before being submitted to the Probate Clerk's office for filing.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004; Amended, effective July 1, 2005; Amended, effective July 1, 2006; Amended, effective July 1, 2013)

Rule 4.11 Accounts Deleted effective July 1, 1996; refer to Rule 4.49

#### Rule 4.12 Verification

Verifications are required when filing the following probate documents:

Petitions, Reports and Accountings, Objections, or responses to Petitions/ Reports/ Accountings.

Reference: Probate Code, §§ 1020-1023; and California Rules of Court, Rules 7.103, 7.104.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

### **CHAPTER 3. SPOUSAL PROPERTY PETITION**

#### Rule 4.13 Statement of Title

(Adopted, effective July 1, 1996; REPEALED, effective July 1, 2004)

#### Rule 4.14 Allegations in Support of Showing of Community Property

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.

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)

#### Rule 4.14.1 Spousal Property Petition Filed with Petition for Probate

Refer to the California Rules of Court, Rule 7.301 for requirements.

Reference: Family Code §§ 850-853; Probate Code §§ 100-101 and §§13500-13660

(Adopted, effective July 1, 2004)

#### Rule 4.15 Fees

Pursuant to Probate Code Section 13600, fees for services connected with filing a spousal property petition are not subject to court approval, except as provided in that section.

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)

#### Rule 4.16 Election of Surviving Spouse to Administer Property

If the personal representative elects to administer the community, quasi-community, or separate property passing to or belonging to a surviving spouse pursuant to Probate Code, §13502, the election must also be supported by a written statement by the surviving spouse indicating a consideration of the alternative procedures available to the surviving spouse. The written statement must also contain an acknowledgment by the surviving spouse that the inclusion of the property in the administration could result in appraisal fees, commissions and attorney fees, that are higher than if an alternative procedure was used.

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

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

**CHAPTER 4. APPOINTMENT OF EXECUTORS AND ADMINISTRATORS:  
PROOF OF WILLS**

Rule 4.17 Appointment of Special Administrator

Counsel must personally present the petition to the Court. Such petitions would ordinarily require appearance and notice as required in California Rule of Court, Rules 3.1200-3.1207. Except in the instance of a contest, special letters will issue for only a specified period of time. Although preference is given to the person entitled to letters, if it appears that a bona fide contest exists, the Court will consider the advisability of appointing a neutral person or corporate fiduciary.

Reference: Probate Code §8000-§8547 and §10400-§10503; and California Rule of Court, Rules, 3.1200-1207, 7.50-7.55.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004) (Amended, effective January 1, 2009)

Rule 4.18 Petition for Probate of Will and Letters of Administration

Copies of all instruments offered for probate must be attached to the petition.

(Adopted, effective July 1, 1996) (Sections (a), and (c) have been renumbered new Rules 4.18.1, 4.18.2, and 4.18.3)

Rule 4.18.1 Holographic Wills

When a holographic instrument is offered for probate, by filing it with the Court and attaching it to the Petition for Probate and other supporting papers (e.g., proof of Holographic Instrument), a typewritten copy must be accompany the holographic instrument.

*Reference:* Probate Code §8000-§8547 and §10400-§10503; and California Rules of Court, Rules 7.50-7.55.

(Adopted, effective July 1, 2004, formerly Rule 4.18(a))

Rule 4.18.2 Foreign Wills

Where an instrument written in a foreign language is offered, it must similarly be accompanied by an English translation, the accuracy of which is verified by the translator.

*Reference:* Probate Code §8000-§8547 and §10400-§10503; and California Rules of Court, Rules 7.50-7.55.

(Adopted, effective July 1, 2004, formerly Rule 4.18 (a))

Rule 4.18.3 Attachment 9 to Petition for Probate

In addition to those required by law, the following persons shall be listed on Attachment 9 to the Petition for Probate:

1. Even though a decedent died testate, the petition, as in the case of intestacy, must contain the names and relationships of all the heirs of the decedent. An heir is any person who would be entitled to distribution of a part of the decedent's estate (including those who

would be heirs by virtue of Section 6402.5 if the decedent had a predeceased spouse) if the decedent had died intestate.

2. All contingent heirs and legatees must be listed including persons provided for in the will but whose bequests have been revoked by a subsequent codicil.

3. If a named legatee predeceased the decedent or did not survive for the designated survival period, that fact must be stated together with the approximate date of death (counsel is advised to review the notice requirements when a beneficiary has died). Reference: California Rules of Court, Rule 7.51.

4. If an heir or legatee died after the decedent, that person shall be listed with the notation that he or she is deceased. If a personal representative has been appointed, the deceased heir or legatee shall be listed in care of the name and address of his or her personal representative. If no personal representative has been appointed, that fact shall be alleged (counsel is advised to review the notice requirements when a beneficiary has died). Reference: California Rules of Court, Rule 7.51.

5. The nominated trustee(s) of a trust created by the will shall be listed.

6. All executors and alternate executors shall be listed.

*Reference:* Probate Code 8000-8547 and 10400-10503; and California Rules of Court, Rules 7.50-7.55.

(Adopted, effective July 1, 2004, formerly Rule 4.18 (c)) (Amended, effective January 1, 2007)

#### Rule 4.18.4 Supplement to Petition for Probate

A petitioner for probate shall file with the clerk a completed form DE-147S, which the clerk shall file confidentially, and not as part of the public court file.

Reference: Probate Code Sections 8404(a) and 8404(b)

(Adopted, effective July 1, 2021)

#### Rule 4.19 Notice Requirements

- A. Direct notice required. Noticing requirements are detailed and complex. Refer to the California Rules of Court, Rule 7.51(a).
- B. Notice to attorney. Refer to California Rule of Court, Rule 7.51(b)
- C. Notice to guardian or conservator: When a guardian or conservator has been appointed for a person entitled to notice, the notice must be sent to the guardian or conservator and, unless the court has dispensed with such notice, to the ward or the conservatee. Refer to California Rules of Court, Rule 7.51(c).
- D. Notice to minor. Refer to California Rule of Court, Rule 7.51(d)
- E. Notice required in a decedent's estate when a beneficiary has died. Refer to California Rules of Court, Rule 7.51(e).



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- F. Additional Notice Requirements: In addition to the above, notice must also be provided to the following:
- (1) To any alternative executor and to a non-petitioning co-executor;
  - (2) To the Attorney General where there is a charitable trust involved as set forth in California Probate Code, section 8111.”
- G. Petition Removed from Calendar. If the original petition is taken off calendar, a new notice must be published and served.
- H. Defective Notice.
- (1) Publication correct but mailing defective. The hearing normally will be continued to allow a new mailing at least 15 days before the continued hearing date.
  - (2) Mailing correct but publication defective. The matter must be taken off calendar and a new notice must be given by publication and mailing.

Reference: Probate Code §8000-§8547 and §10400-§10503; and California Rule of Court 7.50-7.55.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.19.1 Service of Notice

- A. Service. The service must be completed by a person other than petitioner. The server must complete a Proof of Service.
- B. Proof of Service. A written Proof of Service (an original and two copies) must be filed with the Court Clerk’s Office, Probate division in Room A, prior to the court hearing as prescribed by the California Rules of Court. If service is required on more than one person, a separate Proof of Service may be submitted for each service.
- C. Declaration of Diligent Search. Refer to California Rules of Court, Rule 7.52(a).
- D. Mailed notice to county seat. Refer to California Rules of Court, Rule 7.52(b).
- E. The court may prescribe or dispense with notice. Refer to California Rules of Court, Rule 7.52(c)
- F. No Proof of Service. If service is not completed or no written Proof of Service is on file with the Court, the Court may continue the hearing on the Petition.

(Adopted, effective July 1, 2004, formerly Rule 4.19(b))

Rule 4.19.2 Publication.

Refer to California Rules of Court, Rule 7.54.

(Adopted, effective July 1, 2004, formerly Rule 4.19(c))

Rule 4.20 Proof of Wills

In uncontested matters, both witnessed and holographic wills may be proved by declaration without the need of testimony in open court.

Reference: Probate Code §§8000-8547 and §10400, specifically sections 8220, 8250 to 8254; California Rule of Court, Rules 7.50-7.55.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.21 Lost or Destroyed Wills

Declarations of witnesses will be required to prove a lost or destroyed will under the applicable provisions of Sections 8220 - 8226. If the will is proved, the provisions shall be attached to the Order for Probate per Probate Code Section 8223.

Reference: Probate Code §8000-§8547 and §10400-§10503; and California Rule of Court Rules 7.50-7.55.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.22 Renunciations and Declinations to Act

A written renunciation shall be filed by or on behalf of a nominated executor who does not petition as such. Similarly, a written declination shall be filed by or on behalf of an individual who is entitled to priority for issuance of letters of administration but does not desire to act as such. If the necessary renunciation or declaration is not filed, the petition shall indicate the reason.

Reference: Probate Code §8000-§8547 and §10400-§10503; and California Rule of Court Rules 7.50-7.55.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

**CHAPTER 5. BOND**

The guidelines in this chapter apply to guardians, conservators and trustees, as well as to personal representatives, except as otherwise indicated in Chapter 12.

Rule 4.23 Evidence as to Amount of Bond

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

Rule 4.24 When Bond Is Not Required

A. Personal Representative as Sole Heir/beneficiary.. When the verified petition for probate so requests, unless the will requires bond, no bond will be required of the personal representative where the petitioner is the sole heir or sole beneficiary under the will. However, the Court, in its discretion, may require a bond.

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B. All Heirs/Beneficiaries Waive Bond.. When the verified petition for probate so requests, unless the will requires bond, no bond will be required when all beneficiaries of the estate waive bond. However, the Court, in its discretion, may require a bond.

Reference: Probate Code §§8480-8488 and §§9700-9705; and California Rule of Court, Rules 7.201-7.206.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.24.1 Statement of waiver in petition

Reference: California Rules of Court, Rules 7.201

(Adopted, effective July 1, 2004)

Rule 4.24.2 Two Or More Personal Representatives

Reference: California Rules of Court, Rule 7.202 and Probate Code §8481(a)(2).

(Adopted, effective July 1, 2004)

Rule 4.24.3 Separate Bonds For Individuals

Reference: California Rules of Court, Rule 7.203.

(Adopted, effective July 1, 2004)

Rule 4.24.4 Independent Power To Sell Real Property

Reference: California Rules of Court, Rule 7.205.

(Adopted, effective July 1, 2004)

Rule 4.25 Non-Resident Executors Or Administrators

A nonresident nominated to serve as personal representative without bond shall be required to post bond in such amount as the Court determines.

Reference: Probate Code 8480-8488 and 8570-8577; and California Rules of Court, Rules 7.201, 7.206.

(Adopted, effective July 1, 1996) (Amended, effective July 1,2004) (Amended, effective July 1, 2021) (Amended effective January 1, 2022).

Rule 4.26 Reducing Bond

Bonds may be reduced at any time after appointment by an ex parte petition and order reducing bond, together with a receipt of a depository showing that assets in the amount of the requested reduction have been so deposited. Such a petition must set forth the assets remaining in the estate after excluding those held by the depository, and it must appear that the reduced bond adequately covers the amount to be protected.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.26.1 Withdrawing Funds from Blocked Account

An order authorizing release from a blocked account may be made ex parte. The petition shall set forth the approximate value of the assets on hand, the approximate value of all assets under impound and the amount of the existing bond the purpose for which the withdrawal is being made. Petitioner should recite any limitations on the use of funds, including all existing court orders. Where assets will be coming into or passing through the hands of the fiduciary so as to require an increase of bond, the fiduciary must set forth the information necessary to enable the Court to determine the amount of the increase. The order may provide for funds to be paid directly to a taxing authority or beneficiary or other person entitled thereto.

Reference: Probate Code §§8480-8488 and §§9700-9705; and California Rules of Court, Rules 7.201-7.206.

(Adopted, effective July 1, 2004, formerly Rule 4.26(b))

Rule 4.27 Bond Modification

Reference: California Rules of Court, Rule 7.204.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.27.1 Bond upon sale of real property

Reference: California Rules of Court, Rule 7.206.

(Adopted, effective July 1, 2004)

**CHAPTER 6. INVENTORY AND APPRAISEMENT**

Rule 4.28 Probate Referee Appointment

A. A Probate Referee will be appointed by the court in all cases when the order for probate is signed. To aid the Court in appointing a probate referee, the information requested in paragraph 4.c of the petition for probate must be completed.

B. Requests that a particular referee be appointed or not be appointed will generally be denied.

Reference: Probate Code §§2610-2615 and §§8800-8980; and California Rules of Court, Rule 7.501

(Adopted, effective July 1, 1996)(Amended, effective July 1, 2004)

Rule 4.29 Preparing Inventory and Appraisal

The California Probate Referee's Association has published a pamphlet, Probate Referees' Procedures Guide, describing their suggested form for listing various inventory assets as well as their opinion as to

whether particular assets should be listed on Attachment 1 or 2. Although not an official publication, this pamphlet is a good reference. Copies are available from any of the probate referees in San Mateo County.

Reference: Probate Code §§2610-2615 and §§8800-8980; and California Rules of Court, Rule 7.501

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.30 Sufficiency of Bond

If there is a bond currently in force, the inventory and appraisal must disclose on its face, at the place on the form above the attorney's signature, whether the amount thereof is sufficient or insufficient. (See Local Rule 4.27 as to the procedure for modifying the bond.)

Reference: Probate Code §§2610-2615 and §§8800-8980; and California Rules of Court, Rule 7.501

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.31 Waiver of Appraisal by Referee

The appraisal by a probate referee may be waived under Section 8903 for "good cause." The decision whether good cause exists will be made by the Court on the basis of the facts set forth in the application. A petition to waive the appraisal by a probate referee must be on a noticed motion. The appointed probate referee shall also be given notice of this motion.

Reference: Probate Code section 8903

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

**CHAPTER 7. CLAIMS**

Rule 4.32 Nature and Form of Claims

A. Claim versus expense of administration: The Court will not approve "creditors' claims" which represent obligations of the estate arising after the death of the decedent (except reasonable funeral expense). Such expenses are properly expenses of administration, which shall be included for approval in the account.

B. Form of claims

1. Creditors' claims shall be submitted on Judicial Council forms but creditors' claims will be liberally construed in favor of their sufficiency if the content and format are in substantial compliance with the Probate Code. Satisfactory vouchers or proof of the claim should be attached.

2. Any claim presented for filing more than four months after letters are first issued shall be accompanied by either (1) a copy of the Notice of Administration to Creditors showing that the claim is timely, or (2) a Court Order allowing a late filing of the claim pursuant to Section 9103.

Reference: Probate Code §§ 9000-9392; and California Rules of Court, Rules 7.401-7.403.

(Adopted, effective July 1, 1996) (Amended, Effective July 1, 2004)

Rule 4.33 Filing and Listing Claims

Reference: Probate Code section 7.403

(Adopted, effective July 1, 1996) (Amended, Effective July 1, 2004)

Rule 4.34 Approval by the Court

A. Personal Representative without Independent Powers

Reference: California Rules of Court, Rule 7.401

B. Personal Representative with Independent Powers

Reference: California Rules of Court, Rule 7.402.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

Rule 4.35 Rejection of Claims by Personal Representative

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

Rule 4.36 Funeral and Interment Claims

When interest has been paid in connection with the delayed payment of a claim for the reasonable cost of funeral expenses, a specific allegation must be made in the report accompanying the account in which credit for such payment has been taken, setting forth reasons for the delay in payment. The Court will not allow credit for payment of interest where the delay in payment of the claim is not justified by the facts set forth.

Reference: Probate Code §§ 9000-9392; and California Rules of Court, Rules 7.401-7.403.

(Adopted, effective July 1, 1996) (AMENDED, EFFECTIVE JULY 1, 2004)

Rule 4.37 Claims of Personal Representatives and Reimbursements to Personal Representatives and their Attorneys.

A. Claims. A creditor's claim of the personal representative shall be noted as such. Such a claim must be processed as provided in Section 9252 notwithstanding authority to act under the I.A.E.A. Where there is more than one personal representative, a creditor's claim submitted by one of the personal representatives must be approved by the other(s) before submittal to the Court for approval

B. Reimbursements. Payments to a personal representative as reimbursement for payment by that personal representative of funeral expenses, expenses of last illness, or other debts of the decedent shall be reported to the Court in the same manner as an administrative expense.

Reference: Probate Code §§ 9000-9392; and California Rules of Court, Rules 7.401-7.403.

(Adopted, effective July 1, 1996) (AMENDED, EFFECTIVE JULY 1, 2004)

Rule 4.38 Compromise of Claims

Probate Code section 9830 sets forth the mechanics for formal compromise of claims. The same result may be accomplished more simply by having the personal representative approve the claim in the reduced

amount reached by settlement. If the claim had been rejected before the settlement, the rejection may be withdrawn.

Reference: Probate Code §§ 9000-9392; and California Rules of Court, Rules 7.401-7.403.

(Adopted, effective July 1, 1996) (AMENDED, EFFECTIVE JULY 1, 2004)

## **CHAPTER 8. SALES**

### **I. GENERAL INFORMATION**

#### Rule 4.39 Judicial Approval

For estates being administered pursuant to the I.A.E.A., judicial approval of sales or exchanges of real or personal property is no longer required (Sections 10500 - 10503). For estates not being administered pursuant to the I.A.E.A., confirmations of sales are still required. If the personal representative of an estate being administered pursuant to I.A.E.A elects to follow Court supervised procedures, then the sale of real property shall be preceded by statutory notice of sale pursuant to Sections 10300, et seq.

(Adopted, effective July 1, 1996, Amended, effective January 1, 2000)

#### Rule 4.40 Exclusive Listings for Sale of Property

Section 10150 is authority for a personal representative acting under I.A.E.A. to enter into an exclusive agreement to sell real property without prior court approval. At the hearing on confirmation of sale, the Court will determine the commission (without regard to the terms of the exclusive agreement) and the allocation of it between the brokers involved in the sales.

(Adopted, effective July 1, 1996)

## **II. SALES OF PERSONAL PROPERTY**

#### Rule 4.41 Tangible Personal Property (Probate Code Sections 10250 - 10264)

A. Necessity for appraisal: For estates subject to the I.A.E.A., sales of personal property may be made without Court approval. In all other cases the sale of tangible personal property will ordinarily not be approved unless the property has been appraised. For this purpose, a partial inventory and appraisal may be filed or a letter appraisal may be obtained from the appointed probate referee.

B. Commissions: Commissions on sales of tangible personal property will be allowed only to individuals holding a license authorizing them to deal in the type of property involved. A commission will be allowed on the original bid only when the commission is requested in the return of sale. When there is an overbid in court, a commission may be allowed to the successful broker, and, if the original bid was subject to a commission, apportionment between the brokers will be made according to the same rules as prescribed for real estate sales. The amount of the commission is within the Court's discretion and will not ordinarily exceed a total of 5 percent of the sale price.

(Adopted, effective July 1, 1996)

#### Rule 4.42 Securities

Where proceeding under Section 10200, the petition for authority to sell must set forth a minimum sales price as to all securities except those listed on an established exchange. The minimum price must be a recent market quotation from the over-the-counter market, or if there is no recent market quotation available or the securities are "closely held," the petition must set forth the basis for fixing the minimum sales price.

(Adopted, effective July 1, 1996)

Rule 4.43 Condominiums, Community or Cooperative Apartments

A condominium is an interest in real property and must be sold as such, unless it is held as a limited partnership. A community or cooperative apartment is personal property and must be sold as such. However, the overbid on such assets will be computed on the same basis as in sales of real property, and brokers' commissions will be allowed on the same basis as in sales of real property.

The sale of a cooperative apartment will not be confirmed subject to the purchaser later obtaining the acceptance of a Board of Directors or other governing body; therefore, the prospective purchaser should obtain acceptance before seeking court confirmation.

(Adopted, effective July 1, 1996)

**III. RETURN OF SALES OF REAL PROPERTY**

Rule 4.44 Publication of Notice of Intention to Sell Real Property

A. Procedure: Notice shall be published (pursuant to section 6063 (a) of the Government Code unless the Court grants an order shortening time) in all decedents' estates, except those in which there is a power of sale in the will, or those estates administered with full authority under the I.A.E.A. If the personal representative of the estate being administered under I.A.E.A. elects to follow Court supervised procedures, then the sale shall be preceded by statutory notice of sale pursuant to Section 10300 et seq. In all guardianships, conservatorships and court-supervised trusts except those in which the power of sale has been previously granted by the Court the sale shall be preceded by statutory notice of sale. Notice of sale shall be published in a newspaper published in the county in which the real property lies.

If an executor or administrator having power of sale publishes a notice of sale of the real property and proceeds with the sale thereunder, and later a technical defect appears, the defect cannot be cured by exercising the executor's or administrator's power of sale. The executor or administrator must publish a new notice.

B. Contents of Notice: In addition to a legal description of the property, the notice should contain the street address or other common designation of the property, when available. If an exclusive listing has been given, the notice should so state. If the property is to be sold subject to an encumbrance, the notice should so state.

If property is to be sold for cash only, the notice must so state. If the estate would prefer all cash but will accept part cash and part credit, the notice should include the following language: "All cash, or part cash and part credit, the terms and conditions of credit as are acceptable to the fiduciary and the Court.

Effect of Notice: Any offer accepted and returned to court for confirmation cannot be at variance with the terms of sale contained in the notice.



(Adopted, effective July 1, 1996, Amended, effective January 1, 2000)

Rule 4.45 Return of Private Sale

- A. Appraisal and Reappraisal: In order for a private sale to be confirmed, there must be on file an appraisal of the property or a reappraisal for purposes of sale if the decedent's death or guardian's or conservator's appointment occurred more than one year before the date of the private sale. The appraisal or reappraisal should be on file prior to the hearing date on the return or may be presented at the hearing.
- B. Market Exposure of Property: Whenever it is brought to the attention of the Court that the fiduciary has denied bona fide prospective buyers or their brokers a reasonable opportunity to inspect the property, the returned sale will not be confirmed, and the sale will be continued to allow inspection.
- C. Second Deeds of Trust: The Court will approve the taking of a promissory note secured by a junior deed of trust upon a showing that it serves the best interests of the estate.
- D. Hearing on Return of Sale and Overbid: Counsel must be prepared to state the minimum necessary overbid, computed at the rate of 10 percent of the first \$10,000, and 5 percent on the balance of the sale price. Counsel should inform the original purchaser or his agent of the time and place of hearing and advise that they be in court for the hearing.
- E. Application of Statutory Formula re Overbid: The Court must consider not only whether the bid is arithmetically the highest, but also whether it is best. Counsel or the parties involved should be prepared with factual information that will aid the Court in making this determination.
- F. Earnest Money Deposit by Bidder: No bid for the purchase of real property will be acceptable unless accompanied by a minimum deposit of 10% of the amount bid in cash or its equivalent. When an overbid is made in court, the over bidder must submit 10% of his overbid in cash or its equivalent at the time of the hearing on the return of sale.
- G. Overbid Form: The Courtroom Clerk will give counsel a form to be completed on the overbid. This form is to be returned to the Clerk before the end of that morning's probate hearings.
- H. Bond: The petition for confirmation of sale of real estate should set forth the amount of the bond in force at the time of sale and the amount of property in the estate which should be covered by bond. If no additional bond is required, or if bond is waived, that fact should be alleged.
- I. Absence of Attorney for Estate at Confirmation Hearing: If someone is present who wishes to overbid and the estate's attorney is absent from the hearing, the hearing will be continued for one week, except where the fiduciary is present and requests that the sale proceed without the attorney.

(Adopted, effective July 1, 1996)

Rule 4.46 Broker's Commissions

- A. Improved Property: The Court will ordinarily allow a broker's commission not to exceed 6 percent of the first \$200,000, 5 percent of the next \$300,000, and 4 percent of the balance of the sale price. The parties may agree to a lesser percentage.
- B. Unimproved Property: The Court will ordinarily allow a broker's commission not to exceed 10 percent of the first \$100,000, 8 percent of the next \$200,000, and 5 percent of the balance of the sale price.

In the Court's discretion, a flat 10 percent may be allowed. In each instance, the Court will determine what is "unimproved" real property.

C. Order Must Show Commission Allocation: The order confirming sale must show the total commissions allowed and any allocation agreed on between brokers. (For examples of allocation of commissions, see Appendix A.)

D. Commission Rates at Property Situs Will Apply: Where the property is not located in San Mateo County, the Court will allow commissions based on the San Mateo County Probate Court schedules unless it is shown that a larger commission would be allowed based on the schedule in effect in the Probate Court of the County in which the property is located.

E. Broker Bidding for Own Account not Entitled to a Commission: A broker bidding for his own account is not entitled to receive or share in a commission. Estate of Toy 1977, 72 Cal. App. 3d 392.

(Adopted, effective July 1, 1996)

#### Rule 4.47 Broker's Commissions in Overbid Situations

A. Original Bidder and/or over bidder represented by Broker: Commissions are governed by Probate Code Sections 10161 through 10166. See also the Law Revision Comments following those sections.

B. Original Bidder as over bidder: Once a net bid has been overbid in court, the original bidder may elect to be represented by a broker in further bidding.

(Adopted, effective July 1, 1996)

### CHAPTER 9. ACCOUNTS

#### Rule 4.48 In General

All accounts filed in probate proceedings, which include guardianship, conservatorship, and trust accounts, must be typewritten and must conform to the California Rules of Court (CRC) adopted by the Judicial Council, including without limitation California Rules Of Court, Rules 7.550, 7.901 and 7.902 and the California Probate Code, including sections 1060-1064, 2620-2633, 10900-11051, and 16060-16064.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2004)

#### Rule 4.49 Summary of Account Form

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

#### Rule 4.50 Contents of Account

(Adopted, effective July 1, 1996, Amended, effective January 1, 2000) (**REPEALED**, effective July 1, 2004)

#### Rule 4.51 Reporting Income and Principal

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

Rule 4.52 Allegations re Sufficiency of Bond

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

Rule 4.53 Trustee's First Account

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

Rule 4.54 Waiver of Accounting on Final Distribution

(Adopted, effective July 1, 1996) (**REPEALED**, effective July 1, 2004)

**CHAPTER 10. DISTRIBUTION OF PROBATE ESTATE**

Rule 4.55 Description of Assets

The petition for distribution, whether or not an account is waived, must list assets on hand and list and describe the property to be distributed, either in the body of the petition, by a schedule in the accounting, or in a separate exhibit incorporated in the petition by reference. Description by reference to the inventory is insufficient. Real property shall be described by legal description in the body of the decree of distribution.

(Adopted, effective July 1, 1996)

Rule 4.56 Asset Distribution

The petition for distribution must state specifically how the estate is to be distributed. A general allegation that distribution is "in accordance with the terms of the will" or "in accordance with the laws of intestate succession" is insufficient.

The petition must show the computation on which the proposed distributions are based.

Whether or not an accounting has been waived, the decree of distribution must set forth specifically the manner in which the estate is to be distributed by showing the distributee's name and a description of the property or cash, including bank account location, number and amount, to be distributed. Mere reference to the allegations of the petition is insufficient and not acceptable to the Court.

(Adopted, effective July 1, 1996)

Rule 4.57 Allegation re Character of Assets

Whether the decedent died testate or intestate, the petition for distribution must contain an allegation as to the separate or community character of the property in all cases where the character of the property may affect distribution.

(Adopted, effective July 1, 1996)

Rule 4.58 Agreements for Distribution of Assets

If distribution is to be other than according to the terms of the will or the laws of intestate succession, there must be on file a written agreement signed by all parties affected by the distribution.

(Adopted, effective July 1, 1996)

Rule 4.59 Assignment of Assets

If distribution is to be made to an assignee of an heir, devisee or legatee, the assignment and the terms thereof must be on file. (See Section 11604.)

(Adopted, effective July 1, 1996)

Rule 4.60 Allegations re Heirs of Predeceased Spouse When Decedent Dies Intestate

If an intestate decedent leaves neither issue nor surviving spouse and the decedent had a predeceased spouse, the petition must either set forth the names, addresses and line of blood relationships of the heirs who take by virtue of Sections 6402 and 6402.5 or affirmatively allege that there is no heir who takes by virtue of either section.

(Adopted, effective July 1, 1996)

Rule 4.61 Distribution to Persons Under Conservatorship or Guardianship

The decree should provide for distribution of the property to the minor or the conservatee rather than to the guardian or conservator, but must provide that actual payment or delivery be made to the guardian or conservator.

(Adopted, effective July 1, 1996)

Rule 4.62 Distribution to Minors

Where delivery of the assets is to be made to the minor's parent pursuant to Section 3401, the declaration by complying with the provisions of that section must be on file before the decree is signed.

Where a depository is to be used, the receipt and agreement of the depository must be filed as required under Section 2328.

If distribution is made to a custodian under Section 3900 et seq., a declaration complying with the appropriate section thereunder must be on file.

(Adopted, effective July 1, 1996)

Rule 4.63 Distribution to Representative of Deceased Heir or Beneficiary

When an heir or beneficiary dies during the administration of an estate, the decree shall provide for distribution to the personal representative of his estate (Sections 11801 and 11802) or, where applicable to the person(s) entitled thereto under Sections 13100-13105.

(Adopted, effective July 1, 1996)

Rule 4.64 Distribution to Intestate Heirs

The relationship of heirs who take by intestacy shall be sufficiently described to permit the Court to determine whether the laws of intestate succession have been properly applied. If an heir takes by right of representation, the petition must indicate parentage and the approximate date of the parent's death.

(Adopted, effective July 1, 1996)

Rule 4.65 Interest on General Pecuniary Legacies

The Court will strictly enforce the policy set forth in Sections 12000 - 12007 and Estate of Hubbell (1932) 216 Cal. 574, and will order payment of interest at the statutory rate on all general pecuniary legacies not paid within one year from the date of decedent's death unless payment of interest is waived in the will.

(Adopted, effective July 1, 1996)

Rule 4.66 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)

Rule 4.67 Tax Procedures re Final Distribution

The petition for final distribution must address the question of the source of the payment of the federal estate tax and California estate tax, if any. If the will has a clause directing the payment of the taxes out of the residue of the estate, this should be so alleged. If, on the other hand, there is no tax clause or there is a tax clause which does not direct the source of payment, the amounts required to be prorated or charged must be stated.

(Adopted, effective July 1, 1996)

Rule 4.68 Preliminary Distribution Under Section 11621

In addition to the requirements contained elsewhere in this chapter, the petition must state the approximate net value of the property remaining in the estate after the proposed distribution and an estimate of the total amount of unpaid taxes, unpaid claims and other liabilities. The Court prefers an inventory and appraisal which includes the property to be distributed be on file.

(Adopted, effective July 1, 1996, Amended, effective January 1, 2000)

**CHAPTER 11. MISCELLANEOUS PETITIONS AND ORDERS**

Rule 4.69 Family Allowance (Sections 6540-6545)

A. Necessary Allegations of Petition: All petitions for family allowance must state facts to show that the allowance prayed for is necessary and reasonable, including:

- (1) The nature and separate or community character of the probate estate and whether or not it is solvent;
- (2) Whether others are entitled to family allowance;
- (3) The approximate needs of the applicant, with reference to his or her standard of living and
- (4) The applicant's income from other sources.

B. Duration of Family Allowance. All orders will limit family allowance to a definite period of time. If the order is on an ex parte petition, family allowance will normally not be granted for a period exceeding six months.

C. Under Section 6540(a): Before an inventory is filed, an order for a family allowance under Section 6540(a) may be made or modified ex parte or on noticed hearing; after an inventory is filed, such an order may be made or modified only on noticed hearing, as provided by Section 6541(b).

D. Under Section 6540(b): An order for a family allowance under Section 6540(b) may be made or modified only on noticed hearing, as provided by Section 6541(c).

(Adopted, effective July 1, 1996)

Rule 4.70 Borrowing Money (Sections 9800 - 9807)

A. Inventory Must Show Security: If the loan is to be secured, an inventory describing the security must be on file prior to the hearing.

B. Bond Requirements: The petition under Section 9800 must state whether the personal representative is serving with or without bond. If with bond, the Court must be advised -- either in the petition or by supplemental declarations filed before the hearing, or by testimony at the hearing -- as to the necessity for an increase in the bond.

(Adopted, effective July 1, 1996)

Rule 4.71 Operating a Business (Section 9760(c) and (d))

A separate order prescribing the notice to be given under Section 9760(c) and (d) must be presented to the Court before the petition is filed. The Court may prescribe any reasonable notice, but does not have the power to dispense with notice. Ordinarily, the Court will prescribe that at least 15 days' notice must be given to the principal creditors and beneficiaries who might be affected.

(Adopted, effective July 1, 1996)

Rule 4.72 Determining Title to Real or Personal Property (Section 850)

All notices of hearing given under Section 850 must contain a description of the property sufficient to give adequate notice to any party who might be interested in the property, including with respect to real property, the street address, or if none, an indication of its location.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2018)

Rule 4.73 Substitution or Withdrawal of Attorney

If an attorney wishes to withdraw from a probate proceeding as the attorney of record, he may do so by filing a noticed motion, a substitution of attorneys, or a notice of withdrawal consented to by the personal representative and containing the address of the personal representative or the substituted attorney.

(Adopted, effective July 1, 1996)

Rule 4.74 Obtaining Final Discharge

To assist the Court in determining whether final discharge should be ordered, counsel shall submit to the Court, along with the declaration and order for discharge, a copy of the judgment of final distribution and of all receipts of the distributees. The "order" portion shall be completely filled in except for the date and name of the judge.

(Adopted, effective July 1, 1996)

Rule 4.75 Proceedings to Establish Fact of Death (Sections 200-204)

A. Filing Under Name of Decedent: A petition to establish the fact of death must be filed in the name of the deceased person whose interest is to be terminated.

B. Separate Petition Preferred: Although Section 202(b) authorizes a petition to establish the fact of death to be included in a verified petition for probate of will or for letters of administration (but does not authorize such a petition to be included in any other petition, such as a petition for final distribution), for convenience of administration, attorneys are encouraged to file the petition as a separate petition.

C. Description of Property: If the property affected is realty, a copy of the document showing the decedent's interest must be attached to the petition and incorporated therein, or the verified petition must set forth the entire instrument vesting title, including the recordation data. If the property affected is

personalty, the location and description of the property and the decedent's interest therein must be set forth with particularity.

D. Attorneys' Fees: There is no provision in the Probate Code for allowance of attorneys' fees in proceedings to establish the fact of death. The attorney should make fee arrangements directly with the client.

If a surviving joint tenant failed during his lifetime to establish the fact of death of a previously deceased joint tenant, an extraordinary fee may be awarded in the probate proceeding involving the surviving joint tenant for those services performed after the death of the surviving joint tenant.

(Adopted, effective July 1, 1996)

## CHAPTER 12. GUARDIANSHIPS AND CONSERVATORSHIPS

### Rule 4.76 Temporary Conservatorships

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 Pate Application for Orders (local form PR-9)

B. Prior Review and Filing

- (1) Both temporary and permanent conservatorship petitions and subsequent filings must be filed at the Probate Clerk's office before presentation to the Court. Represented parties must ensure that the separate petition for the appointment of a regular conservator has been e-filed and accepted, prior to filing the petition for temporary conservatorship. Self-represented parties may present both sets of documents at the clerk's office. All filings regarding conservatorships must be accompanied by an original and two copies.
- (2) All petitions for temporary conservatorships must be 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 emailing a copy of the unfiled documents ahead of time to [PCI@sanmateocourt.org](mailto:PCI@sanmateocourt.org), parties may also call 650-261-5068.

C. Grounds: The emergency nature of the facts which are alleged as good cause for the appointment must also be alleged. Petitions must be signed by the petitioner(s). (California Rules of Court, Rule 7.103.)



D. Bond: Unless waived pursuant to 8481(a), full bond in accordance with Sections 8480 - 8482 will normally be imposed upon a non-corporate temporary conservator of the estate; if a lesser amount is requested, good cause must be shown in the petition. The Court may in certain cases require a bond of a temporary conservator of the person.

E. Notice: Notice of the ex parte hearing must be given to the proposed conservatee (Probate Code, Section 2250) and the persons listed in Probate Code, Sections 1821 and 1822. Notice and the declaration regarding notice must comply with CRC 3.1200-3.1207, and must state whether any person entitled to notice objects to the hearing. Reasons for shortening or dispensing with statutory notice must be alleged.

F. Length of Appointment: A temporary conservator will not be appointed for a period exceeding 30 days or the date of the hearing assigned for the regular petition, whichever is later. It may be extended for good cause shown by written order of the Court.

(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).

#### Rule 4.77 Guardianships

(Adopted, effective July 1, 1996, Amended, effective January 1, 2000; **REPEALED**, effective July 1, 2004 [See new Rules 4.77.1 to 4.77.17])

#### Rule 4.77.1 Petition for General Guardianship.

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). 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 [formerly Rule 4.77 (a), (c), and (d)]) (Amended, effective July 1, 2006) (Amended, effective January 1, 2012) (Amended, effective July 1, 2021).

#### Rule 4.77.2 Hearing Dates

A. A hearing date will be assigned at the Court Clerk’s Office, Room A when the documents are filed. Guardianship matters are heard Monday, Tuesday, Wednesday and Friday at 9:00 a.m.

B. 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.

C. Continuances. See Local Rule 4.1 above.

D. 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.

(Adopted, effective July 1, 2004) (Amended, effective July 1, 2011)

#### Rule 4.77.3 Service of Documents

A. It is the responsibility of the petitioner to arrange for service of the notice of the hearing of the petition as set forth in Probate Code §1511, including a copy of the petition if required, unless a written waiver of notice is filed.

B. The service must be completed by a person other than the petitioner. The server must complete a written Proof of Service.

C. A written Proof of Service (an original and two copies) must be filed with the Court Clerk’s Office, Room A, prior to the court hearing. If service is required on more than one person, a separate Proof of Service may be submitted for each service.

D. A copy of the notice, petition, and Guardian Screening form shall be mailed to Children and Family Services 400 Harbor Blvd., Belmont, CA at least fifteen (15) days prior to the hearing.

E. For petitions filed by non-relatives, a copy of the notice of hearing and petition must be mailed to the Director of Social Services in Sacramento, California at least fifteen (15) days prior to the hearing.

(Adopted, effective July 1, 2004 )(Amended, effective January 1, 2011)

Rule 4.77.4 Proof of Service of the Notice of Hearing

A written proof of service must be filed with the Probate Clerk, Room A, at least five court days in advance of the hearing date unless otherwise waived.

(Adopted, effective July 1, 2004 )

Rule 4.77.5 Personal Appearance

All petitions for general guardian will require a personal appearance by the petitioner(s) and if not one in the same, the proposed guardian(s) at the hearing for appointment. See also Local Rule 4.6, above. The petitioner, the attorney (if any) and the proposed ward if age 12 or older, shall be present.

(Adopted, effective July 1, 2004 ) (Amended, effective July 1, 2012)

Rule 4.77.6 Multiple Wards

A. The Court will not appoint a guardian for several wards on a single petition and under the same file number unless the minors are full siblings. Separate proceedings must be commenced for non-siblings or half siblings. For sibling cases filed at the same time, only one filing fee will be required.

B. A separate Inventory and Appraisal shall be filed for the interests of each ward in cases where multiple wards are listed under one case number.

C. Separate accountings shall be filed for each ward subject to a guardianship of the estate.

(Adopted, effective July 1, 2004 [formerly 4.77(b) ])

Rule 4.77.7 Investigation of Guardianship and Filing of Reports.

A. It is the policy of the Superior Court in San Mateo County to conduct an investigation in all guardianship cases. Unless waived by the Court, an investigative report must be given to the Court prior to the appointment of a general guardian of the person and/or the estate, pursuant to Probate Code §1513(a).

B. In all cases where the proposed guardian is a relative, the Manager of the Probate Court Investigations Unit shall assign an Investigator who will conduct the investigation and file a written report at least five (5) court days prior to the hearing date.

C. In all cases where the proposed guardian is a non-relative, the Department of Children and Family Services will conduct the investigation and file a written report at least five (5) court days prior to the hearing date. "Relative" is defined at Probate Code section 1513(g).

D. If the petition is filed at the recommendation of the Department of Youth and Family Services, the petition shall refer to that Department's recommendation, and the Department shall furnish to the Court a copy of their Investigation Report, medical or educational evaluations, or other relevant documents concerning the minor upon which they based their recommendation. In this event, a Court Investigator would not need to be appointed for a further investigation and report.

(Adopted, effective July 1, 2004 ) (Amended, effective January 1, 2012)

Rule 4.77.8 Factors to Be Addressed in Guardianship Investigative Reports.

In addition to the factors set forth in Probate Code §1513(a), the Investigation shall include:

- A. An in-person interview with the minor(s), the parent(s), and proposed guardian(s). If a parent is not available for a personal interview, the report shall explain the circumstances and any contacts with the parent.
- B. Telephone or written communication (as possible) with collateral contacts, such as school teachers, daycare providers, neighbors, relatives, and other interested parties.
- C. A visit to the home of the proposed guardian.
- D. If a parent objects to the guardianship, a visit to the home of the parent.
- E. A criminal records check on the parent(s), the proposed guardian, and any other person over fifteen (15) years who inhabits the guardian's home.

(Adopted, effective July 1, 2004 )

Rule 4.77.9 Alternative Guardian.

- A. If neither the parent(s) nor the proposed guardian is found to be an appropriate caretaker for the minor, the matter shall be referred to the Department of Children and Family Services to determine if there is another appropriate adult who will agree to act as guardian. That adult will be instructed to file a separate guardianship petition for consideration by the Court.
- B. If no appropriate and willing adult is located to act as guardian, then the Department of Children and Family Services shall initiate a petition in the Juvenile Court pursuant to Welfare & Institutions Code §300.

(Adopted, effective July 1, 2004 ) (Amended, effective January 1, 2012)

Rule 4.77.10 Order Appointing Guardian

- A. It is the responsibility of the petitioner to prepare all proposed orders. An original and two copies of the proposed order appointing guardian should be delivered to the Court Clerk's Office in Room A at least five court days before the hearing.
- B. The Court will fix a non-appearance hearing date for filing of the Inventory & Appraisal and/or Receipt of Funds in Blocked Accounts for all guardianships of the estate.

C. A fee will be assessed for Court Investigation unless deferred or waived by the court. The amount of the fee shall be specified in the order appointing guardian.

(Adopted, effective July 1, 2004 )

Rule 4.77.11 Guardian of the Estate

The guardian of the estate shall be required to comply with the Local Rules applicable to conservators of the estate. See Local Rules of Court, Rules 4.81.13 through 4.81.18 below.

(Adopted, effective July 1, 2004 )

Rule 4.77.12 Current Addresses/Relocation

All attorneys and guardians are required to keep the Court informed of their current addresses and phone numbers as well as the current address and phone number of the ward.

A child subject to guardianship shall not be relocated outside the State of California without a court order. See Probate Code Section 2352.

(Adopted, effective July 1, 2004 )

Rule 4.77.13 Review of Guardianship.

Guardianships will be reviewed annually. At the time of the granting of the petition for general guardianship, a twelve-month review date will be set. The guardian will be instructed by the Court to execute and return a "Confidential Guardianship Status Report" form (Judicial Council form GC-251) to the Court Investigator's Office by the designated review date. The Court may calendar further review dates, if needed. The party must execute and return to the Court their "1513.2 Statement" by the designated review date.

(Adopted, effective July 1, 2004 ) (Effective July 29, 2014, Local Rule 4.77.13 is temporarily suspended pursuant to Standing Order 14-127 (see Court's website for Standing Orders).

Rule 4.77.14 Temporary Guardianship - Emergency Situations Only

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 between 2:00 – 3:30 p.m. (M,TU, 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. 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.

B. All the forms for a general guardianship must be submitted before a petition for temporary guardianship will be granted. The additional forms necessary for a temporary guardianship (original and two copies) are:

1. Petition For Appointment Of Temporary Guardian . (GC-110)
2. Order Appointing Temporary Guardian or Conservator (GC-140)
3. Letters of Temporary Guardianship (GC-150)

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4. Duties of Guardian (GC-248)
  5. 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)
- C. The petitioner and the attorney, if any, should be present when a temporary guardianship is requested. A proposed ward age twelve (12) or older, should be present.
- D. The Petition for General Guardianship and supporting documents must be filed and the fee paid before a Petition for Temporary Guardianship is filed with the Court for consideration
- E. Filing and Prior Review of Documents
1. All documents shall be filed with the Court Clerk's Office, Room A, at the Probate counter at 400 County Center, 1<sup>st</sup> floor, Redwood City. Represented parties must ensure that the separate petition for the appointment of a regular conservator has been e-filed and accepted, prior to filing the petition for temporary conservatorship. Self-represented parties may present both sets of documents at the clerk's office.
  2. All petitions for temporary guardianship must be 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 emailing a copy of the unfiled documents ahead of time to [PCI@sanmateocourt.org](mailto:PCI@sanmateocourt.org), parties may also call 650-261-5068.
- F. If the party seeking to be appointed guardian knows of an objection to the petition for temporary, he or she must advise the Court.
- G. If the Court grants the petition appointing temporary guardian, the order will be filed and the Clerk will issue the Letters of Temporary Guardianship. The order will specify an expiration date for the Letters which will usually coincide with the date set for hearing of the general guardianship.
- H. After Letters are issued by the Clerk, certified copies may be purchased for a small fee.

(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).

Rule 4.77.15 Accounts And Reports

A guardian of the estate shall file a Confidential Guardianship Status Report" form (Judicial Council form GC-251) to accompany any account and report OR for request for release of blocked funds. For general rules on accounts see Chapter 9 of these Rules.

(Adopted, effective July 1, 2004 )

Rule 4.77.16 Fees for Guardian and for Attorney for Guardian.

- A. Refer to CRC, Rule 7.751

B. Fees for attorneys for guardian of the person, when there is no guardianship of the estate, shall be a matter of contract between the attorney and the guardian and not subject to court supervision. Attorney's fees for guardian of the person and/or estate which are to be paid from the estate of the ward are subject to court approval and shall be computed and paid as set forth herein at California Rules of Court, Rule 7.751.

C. If all the estate funds will be placed in blocked accounts, the Petition for Guardianship may include a contemporaneous request for attorney's fees incurred to establish the guardianship. In these circumstances, the order of appointment should specify the name and address of the bank where the funds shall be deposited and shall authorize the bank to disburse fees of a specified amount before the account balance is blocked.

(Adopted, effective July 1, 2004 )

Rule 4.77.17 Discharge

A. Discharge of the guardian of the person is not required. Upon the ward attaining the age of 18, the guardianship of the person expires by operation of law.

B. Discharge of the guardian of the estate will first require the submission of a final account.

C. After approval of the account, a separate declaration for final discharge must be submitted, together with the Receipt executed by the former ward and a photocopy of the order settling the final account and ordering delivery of assets to the former ward. The declaration must state the date on which the ward reached majority.

(Adopted, effective July 1, 2004 )

Rule 4.78 Use of Minor's Assets for Support

A. In Guardianship Cases: If a minor has a living parent or receives or is entitled to support from another source, prior court approval must be obtained before using guardianship assets for the minor's support, maintenance or education. (Section 2422.) The petition must set forth the parents' financial inability or other circumstances which in the minor's interest would justify use of the guardianship assets. Such petition may be included in a petition for the appointment of a guardian. An order granting such petition **shall** be for a limited period of time, usually not to exceed 6 months, or for a specific and limited purpose.

B. Funds in Blocked Account in Non-Guardianship Cases: A request for withdrawal of amounts necessary for the minor's support may normally be made ex parte if accompanied by a sufficient showing of the need. However, where the minor has a living parent, the petition must contain the allegations referred to in Subsection (a) above; in such cases the Court may require the obtaining of an order prescribing notice and a calendared hearing.

(Adopted, effective July 1, 1996)

Rule 4.79 Disposition of Minor's Funds (Sections 3410-3413)

A. Contents of Petition: A petition under these sections must set forth jurisdictional facts, state the amount to be paid and by whom, the amount of fees and reimbursement of costs requested, the relief requested, and a statement of the reasons that the requested relief will best serve the interests of the minor.

B. Notice: The petition may be presented ex parte if the only relief sought (other than reimbursement for filing fee and award of reasonable attorneys' fees) is to deposit funds in a blocked account and the amount involved does not exceed \$20,000. Otherwise the petition must be noticed.

C. The Order: Where the minor's funds are to be deposited in a blocked account, the order must provide that the person holding funds shall disburse the ordered amount of fees and costs, if any, directly to the person(s) entitled thereto and disburse the balance to the selected depository, whose name and address must be specified. The order must also provide that the receipt by the depository of the funds and a copy of the order must be filed forthwith upon the deposit of the funds. The receipt must acknowledge that the funds may be withdrawn only on court order.

D. Orders for Withdrawal of Impounded Funds: Where withdrawal is sought because the minor has reached majority, and the order establishing the blocked account is not self-executing, a certified copy of the minor's birth certificate or other convincing evidence of the minor's age must be presented with the petition for withdrawal. The order must provide for the payment of the funds only to the former minor.

(Adopted, effective July 1, 1996)

#### Rule 4.80 Compromise of Claims

(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.

(Adopted, effective July 1, 1996)

Rule 4.81 Conservatorships

(Adopted, effective July 1, 1996, Amended, effective January 1, 1999; effective January 1, 2000; REPEALED, effective July 1, 2004)(See new Rules 4.81.1 to 4.81.21)

Rule 4.81.1 Petition for Appointment of a Conservator.

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

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

B. All filings regarding initial conservatorship petitions [initial petitions and supporting documentation, amended petitions or other amended supporting documents] or Petition for Independent Powers must consist of an original and three copies of each document stated herein. Signatures should be made with blue ink. The Clerk will retain the original and two copies of all documents filed. (The Clerk will deliver the copies to Court Investigators.) The third copy will be returned to the party for his or her records, stamped "endorsed-filed". The information contained in the Confidential Supplemental Information and Confidential Conservator Screening are not part of the public record.

C. Subsequent filings regarding conservatorships [accountings, confidential status reports, other petitions or documents] must consist of an original and two copies. Signatures should be made with blue ink. The clerk will retain the original and one copy of all documents filed. (The clerk will deliver the copy to the Office of the Court Investigator.) The second copy will be returned to the party for his or her records, stamped "endorsed-filed".

D. Petitions requesting Dementia Authority Powers, filings must consist of an original and three copies of all required documents. (The clerk will deliver two copies to the Office of the Court's Investigator). Reference: Probate Code section 1821; California Rules Of Court, Rule 7.1050; and Local Rule §.4.81.10.

(Adopted, effective July 1, 2004 [former Rule 4.81(a)]) (Amended 1/1/05)(Amended, July 1, 2005)  
(Amended, effective January 1, 2009) (Amended, effective July 1, 2010) (Amended, effective July 1, 2011)

Rule 4.81.2 Notice.

A. On Petition for Appointment of Conservator: There is no statutory basis for shortening the time of notice or for dispensing with notice on a petition for the appointment of a conservator. If the petition alleges that there is no relative of the proposed conservatee within the second degree, notice shall be given to all adult relatives within the third degree who reside in California. Reference, Probate Code section 1821 and California Rules of Court, Rules 7.51-7.53.

B. For petition of appointment of a temporary conservatorship, or for ex parte matters, a declaration regarding notice is required. Reference; California Rules of Court, Rules 3.1200-3.1207.

C. When an attorney has been appointed to represent a conservatee, regardless of the purpose of the appointment, notice of all hearings including requests for ex parte relief shall be given to the appointed attorney. If any other petition is pending when the attorney is appointed, and a future hearing date has already been assigned, the petitioner shall promptly forward a copy of the notice and petition to the appointed counsel. If the appointed attorney is discharged, then no further documents need be served on the attorney.

(Adopted, effective July 1, 2004 [formerly Rule 4.81 (d)]) (Amended, effective January 1, 2007)

Rule 4.81.3 Guardians, Conservators and Trustees Qualifications

Qualifications for conservators: Both Private Non-professional and Private Professional Conservators provide a valuable service to the community and to the conservatees. All conservators must complete education classes as part of qualifying to serve as a conservator in San Mateo County.

A. Private Non-professional Conservators and Trustee

1. Conservator of the Person

a) A private non-professional conservator of the person within six (6) months of appointment must complete a three (3) hour course covering the duties and responsibilities of a conservator of the person. The conservator must file a certificate of completion with the Court to satisfy the requirement or appear to explain why the requirement has not been met.

b) The Court may in its discretion waive such requirement.

2. Conservator of the Estate

a) A private non-professional conservator of the estate within six (6) months of appointment must complete a three-hour course covering the duties and responsibilities of a conservator of the estate. The conservator must file a certificate of completion with the Court to satisfy the requirement or appear to explain why the requirement has not been met.

b) The Court may in its discretion waive such requirement.

3. Trustee

a) A private non-professional trustee within six (6) months of appointment must complete a three-hour course covering the duties and responsibilities of a trustee of a trust. The trustee must file a certificate of completion with the Court to satisfy the requirement or appear to explain why the requirement has not been met.

- b) The Court may in its discretion waive such requirement.

B. Court Appointed California Licensed Professional Fiduciary

1. In order to be a Court Appointed California Licensed Professional Fiduciary as a conservator or trustee by the Superior Court of California, County of San Mateo, as of 01 July 2008, the Professional Fiduciary must meet be licensed by the Professional Fiduciaries Bureau of the State of California. Requirements for initial licensing include completing thirty (30) hours of approved education courses and passing the State of California Professional Fiduciary Bureau licensing examination. For further licensing requirements, see the Professional Fiduciaries Bureau website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov).

2. Continuing Education

As of 01 July 2008, California Licensed Professional Fiduciary must complete:

- A minimum of fifteen (15) hours of continuing education credit each year for licensing renewal; and
- Must abide by the new Professional Fiduciaries Code of Ethics (see the Professional Fiduciaries Bureau website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov)).

(Adopted, effective July 1, 2004 ) (Amended, effective January 1, 2009) (Amended, effective July 1, 2009)

Rule 4.81.4 Special Requirements on Appointment or Termination of Conservator.

- A. Following the appointment of a conservator, a court investigation shall be conducted for the first annual and each subsequent bi-annual review set by the court. A court investigation shall also be conducted for each established conservatorship as otherwise ordered by the court pursuant to Probate Code section 1850(b).
- B. A court investigation of a petition to terminate conservatorships is not required unless so ordered by the court. A limited investigation may be ordered by the court pursuant to Probate code section 1826(p).
- C. By Standing Order of the Court the Court Investigator is appointed and directed to conduct court investigations for identified matters related to a conservatorship. The Standing Order dispenses with the use of the optional Judicial Counsel forms GC-330, GC-331 and GC 332.
- D. When an initial petition for conservatorship is filed, and at any future time when conservatorship documents are filed, the Clerk will retain a copy, and will deliver the copy to the Court Investigator. (Parties should submit an original and two copies of any document in order to receive back an “endorsed-filed” copy.)

(Adopted, effective July 1, 2004 [former Rule 4.81 (c)])(Amended, effective July 1, 2006)  
(Amended, effective July 1, 2011)(Amended, effective January 1, 2012)

Rule 4.81.4.1. Personal Appearance

All petitions for the appointment of a conservator(s), co-conservator(s) or successor conservator(s) will require the personal appearance of the proposed conservator(s) at the hearing for appointment, unless otherwise ordered by the Court. (see also Local Rule 4.6, above)

(Adopted, effective July 1, 2012)

Rule 4.81.5 Confidential General Plan.

Upon appointment, Conservators shall be required to file a Confidential General Plan (Local Court Form PR-22) in addition to the mandatory Level of Care Determination form (GC-355)

The General Plan shall be filed within 90 days of appointment. The plan shall address in detail any issues identified by the court at the appointment hearing. It shall include matters that have been resolved as well as those that are outstanding and what steps currently are being taken to reach a resolution. The conservator may attach a more detailed pleading as appropriate under the circumstances.

NOTE: The Public Guardian is exempted from this Rule and shall meet and report annually to the Court on its policy and practice. Current practice for the Public Guardian is to file a modified version of Local Form PR-22 identified as PR-22PG together with the mandatory Judicial Council Form-355 within 60 days of their appointment.

(Adopted, effective July 1, 2004 [formerly Rule 4.81(g)]) (Amended, effective July 1, 2009)  
(Amended, effective January 1, 2012)

Rule 4.81.6 Letters of Conservatorship of The Estate.

The conservator is advised to record letters of conservatorship of the estate in any county where real property owned by the conservatee is located. Reference: Probate Code Section 1875.

(Adopted, effective July 1, 2004)

Rule 4.81.7 Changes of Address

The conservator must promptly file a revised notice with the Court of any change of address or telephone number of the conservator, the conservatee, or the attorney for the conservator using the court's local form "Conservatee's Information and List of Relatives (Local Court Form PR-1).

(Adopted, effective July 1, 2004 [formerly Rule 4.81(f)]) (Amended, effective January 1, 2009)

Rule 4.81.8 California Licensed Professional Fiduciaries.

A California Licensed Professional Fiduciary or trustee as defined in Probate Code section 2341, must be licensed by the Professional Fiduciaries Bureau of the State of California in order to continue to function as a Professional Fiduciary as of January 1, 2009. For licensing requirements, see the Professional Fiduciaries Bureau website at [www.fiduciary.ca.gov](http://www.fiduciary.ca.gov). A listing of California Licensed Professional Fiduciaries is available on the Professional Fiduciaries Bureau website listed either by county or by name. Fiduciaries are only listed in the county in which their business address is located.

(Adopted, effective July 1, 2004 )(Amended, effective January 1, 2009) (Amended, effective July 1, 2009)

Rule 4.81.9 Waiver of Bond

A waiver of bond by a conservatee shall be in writing. In addition, the conservatee should be prepared to reaffirm his or her waiver in open court and to describe the circumstances surrounding the execution of the written waiver. Reference: Probate Code section 2321.

(Adopted, effective July 1, 2004 [former Rule 4.81(e)])

Rule 4.81.10. Request for Dementia Powers

A. Required Forms

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

- 1) “Attachment Requesting Special Orders Regarding Dementia”(GC-313);
- 2) “Capacity Declaration-Conservatorship” (GC-335); and
- 3) Dementia Attachment to Capacity Declaration – Conservatorship (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 at Subsequent Hearing:

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. 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. The conservator should use GC-380 and inter-lineate that the petition is for modification of an existing order. The Attachment Requesting Special Orders Regarding Dementia (GC-313), 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 - No Capacity to Give Consent:

If a conservatee is prescribed psychotropic medications for the treatment of another medical condition (i.e. other than dementia), 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.

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)

Rule 4.81.11. Visits to the Conservatee.

A conservator of the person shall visit the conservatee on a periodic basis, but no less often than once a month. The Public Guardian is exempted from this Rule and shall report annually to the Court on its policy and practice.

(Adopted, effective July 1, 2004 )

Rule 4.81.12 Medical Consent Authority

All conservators of the person have the power to consent to medical treatment of the conservatee so long as the conservatee does not object. In emergencies, the conservator may give consent for medical treatment. Reference: Probate Code section 2354.

(Adopted, effective July 1, 2004 [former Rule 4.81(e)])

Rule 4.81.13 Exclusive Authority to Give Medical Consent.

A. If the conservatee has been adjudicated to lack the capacity to give informed consent for medical treatment pursuant to Probate Code §2355, the conservator may be granted the exclusive authority to give such consent and may give such consent over the objection of the conservatee. Exclusive authority to give consent for medical treatment can be requested at the time of the initial petition for conservatorship (GC-310) or at a later time by a separate petition (GC-380). Clear and convincing evidence must be shown that the conservatee lacks the capacity to give informed consent to any medical treatment. General mental confusion, disorientation, etc. will not alone support an order for exclusive medical authority. Such authority will be granted if the court finds that the conservatee lacks the capacity to give consent, and only if the following conditions are satisfied:

1. Court Investigator Report: It clearly appears from the court file that a Court Investigator has advised the conservatee of the effect of granting such authority and of the conservatee's rights in regard to such request.
2. Physician's Decision: A physician's declaration is filed stating a medical opinion that the proposed conservatee lacks the capacity to give informed consent to any medical treatment and that the proposed conservator should be granted the exclusive authority to give such consent and to consent over the objection of the proposed conservatee. Such declaration must state the factual basis for the opinion and the nature and extent of the physician's examination and investigation.

B. Conservatee Regains Capacity: If a conservatee regains sufficient capacity to give informed consent to any form of medical treatment, the conservator shall promptly petition, pursuant to Probate Code Section 1891, to revoke any previous order granting the conservator exclusive authority to consent to medical treatment on behalf of the conservatee.

(Adopted, effective July 1, 2004)

Rule 4.81.14. Inventory and Appraisalment.

Reference: Probate Code, section 2610.

(Adopted, effective July 1, 2004 )

Rule 4.81.15 Independent Powers – Sale of Real Property and of Conservatee’s Residence

A. The court may, on the petition of the conservator either at the time of appointment or later, grant additional powers to the conservator as authorized by the Probate Code sections 2590 and 2591. All requests for independent powers must allege sufficient facts to establish good cause, and must be tailored to the specific circumstances of each case.

B. Sale of Real Property. The Court will grant a power to sell real property under Probate Code section 2591 only where the power is made subject to court confirmation of any sale made by the conservator or by a specific order of court upon a showing of good cause.

C. Sale of Conservatee’s Residence. If a conservatee’s residence is being sold without the power to sell pursuant to Probate Code section 2591, the petition must comply with the requirements of Probate Code section 2540(b).

(Adopted, effective July 1, 2004 [formerly Local Rules 4.81 (j) and (k)]) (Amended, eff July 1, 2008)

Rule 4.81.16. Waivers of Account.

Waivers of Account will be accepted in the Court’s discretion only in the following instances:

A. The conservatee’s estate falls within the requirements of Probate Code section 2628. A written request along with an affidavit, stating that the estate does qualify for the waiver, must be submitted for every accounting period in which a waiver is sought. A Local Court form is available for this purpose.

B. When the proceeding is terminated by court order, and the conservatee thereafter waives an account.

C. When the proceeding is terminated by death of the conservatee and (a) there is no will and a written waiver is obtained from all of the conservatee’s heirs, or (b) there is a will and a written waiver is obtained from the executor or administrator and the beneficiaries under the will after the order admitting the will has become final. Waivers will be accepted only from heirs or beneficiaries who are competent adults.

(Adopted, effective July 1, 2004 [formerly Rule 4.81(h)(2)])(Amended, effective July 1,2006)

Rule 4.81.17 Accounts and Reports.

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.

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- B. California Licensed Professional Fiduciaries or licensed guardians or conservators who are required to file original account statements with the court under Prob.C. § 2620(c)(3) shall “Lodge” those records with the court rather than filing them as permitted under this code section. These records will be returned to the submitting party when the court determines the guardian’s or conservator’s accounting is 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.sanmateocourt.org](http://www.sanmateocourt.org) in the Probate section under the “Forms and Filing” tab. Local Court Form PR-26.
  - (2) 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) 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)

Rule 4.81.18 Confidential Status Report.

A. Unless waived by the Court, every conservator shall file a Confidential Status Report at the time of the court review, excluding the six (6)-month review, or upon the filing of an accounting. A local form “Confidential Status Report (PR-19)” may be submitted or, the conservator may submit a more detailed pleading as appropriate under the circumstances but it must include all the information required in Local Court Form PR-19. The report shall include conservatee’s:

1. Name/address/telephone/type of residence;
2. Diagnosis;
3. Living arrangements & functional level (describe what assistance is provided); length of stay at residence; describe the facility, what services it offers and the medical monitoring; intent to continue placement or make a change; any hospitalizations;



4. State current value, average monthly income, average monthly expenses, explaining any unusual receipts, expenses or “internal accounting adjustments” not otherwise delineated in the account, and the amount of the bond required to cover all assets, less real property, and estimated income for one year. State if there is a trust/special needs trust, name of trustee, and fair market value of the trust. Provide income information for conservatees receiving public benefits and name of Representative Payee.
5. Current issues - conservator’s personal observations and compliance with court orders;
6. Description of all sales, purchases, changes in form of assets, explanation of unusual items, statement of all compensation paid from assets subject to the account, family affiliation, cash invested; and
7. Dates of visits to conservatee.

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

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

Rule 4.81.19 Disclosure of Fees for Private Professional Conservators

At the time a private professional conservator is nominated to serve as conservator, the petitioner must attach the professional conservator’s hourly rate to the petition for appointment of conservator.

(Adopted, effective July 1, 2004 ) (Amended, effective July 1, 2009)

Rule 4.81.20 Death of Conservatee

Upon the death of a conservatee :

- (a) The conservator shall file a Notice of Death of Conservatee with a certified copy of the death certificate attached within 60 days.
- (b) For conservator of the person only, no further request for discharge is required. Probate Code section 1860.
- (c) For conservator of the estate, a final account shall be filed within 60 days from the date of death and shall be approved by the court before the conservator will be discharged, unless otherwise waived by the court. The Public Guardian is exempt from the 60-day requirement. The Public Guardian shall, within 120 days from the date of death of the conservatee, file either (1) a final account or (2) a status report showing the condition of the conservatorship estate, the reasons why the final account cannot be filed with 120 days, and an estimate of the time needed to file the final account.
- (d) Notice of the hearing on the settlement of the final account be given to the personal representative of the probate estate, if one has been appointed, is named in the conservatee’s will, or if none, to any legatee and to the heirs of the conservatee so far as is known to the conservator.

(Adopted, effective July 1, 2004 [formerly Rule 4.81(1)]) (Amended, effective January 1, 2019) (Amended, effective July 1, 2019)

Rule 4.81.21 Time for Allowing Compensation

The time for allowing compensation is governed by Probate Code Sections 2640-2642. Petitions for periodic payment must comply with Probate Code section 2643 and California Rule of Court, Rule 7.755.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2003)(Amended, effective July 1, 2004 [formerly Rule 4.86]).

Rule 4.81.22 Obtaining Final Discharge.

Discharge of the conservator will not be made in the order settling final account. A separate declaration for final discharge must be submitted, together with the receipts executed by all persons receiving conservatee's property thereunder and a copy of the order settling the final account and ordering delivery of the assets.

(Adopted, effective July 1, 2004 [formerly Rule 4.81(m)])

Rule 4.82 Substituted Judgment

Prior Court approval is required for any action specified in Probate Code Section 2580, et seq. such as the making of a gift or gifts or the establishment of a trust or trusts.

- A. Petition: A clear factual showing as required by Probate Code Section 2583 shall be included in each petition submitted.
- B. Notice: Notice shall be given under Probate Code Section 2581 except in those cases in which there has been a prior Court order dispensing with notice to some person or persons.
- C. Appointment of Independent Counsel: Prior to the hearing on any petition for substituted judgment pursuant to Probate Code Section 2500 et seq., unless waived by the court, independent counsel for the conservatee shall be appointed by the court through the Court Investigator's Office. Independent Counsel shall report to the Court regarding the efficacy and propriety of the proposed action.
- D. Bond and Accountings: A trust created pursuant to this rule shall include the following, unless exempted by order of the court for good cause show:
  - (1) During the period of the conservatorship, any trust created pursuant to this section shall state that the trustee and the trust shall be subject to court supervision. The continuing jurisdiction of the court shall be reflected in the order for substituted judgment.
  - (2) Accountings shall be subject to court approval and are required to be filed concurrently with conservatorship reviews and,
  - (3) A reasonable bond shall be required of the trustee, unless otherwise waived by the court.
  - :
  - (4) No fees shall be paid to the trustee or attorneys without prior court approval.
  - (5) Upon termination of the conservatorship, the trust may be released from court supervision upon order of the court.
- F. Confidential Filings: Petitioner may requests that estate planning documents be filed as confidential documents. The request may be made on an ex parte basis.

G. Filing Procedures: 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 “endorsed filed” and will be returned to the filing party for his/her records.

G. See Local Rules of Court, Rule 4.94

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2000; effective July 1, 2004)  
(Amended, effective July 1, 2009)

### CHAPTER 13. COMMISSIONS AND FEES

#### Rule 4.83 Statutory Compensation in Decedent's Estates

A. Calculation must be shown: All petitions requesting payment of statutory compensation -- even if accompanied by a waiver of accounting -- must show the calculation of the compensation requested.

B. Basis for computing statutory commission and fees on Waiver of Accounting: As an alternative to basing statutory commissions and fees on the inventory values alone, where the petition for final distribution so requests, the Court will allow such commissions and fees to be based on the inventory values plus income, plus gains on sales, less losses on sales, provided these figures are set forth clearly and succinctly in the verified petition.

(Adopted, effective July 1, 1996)

#### Rule 4.84 Compensation for Extraordinary Services in Decedents' Estates

A. The following factors will guide the attorney and the court in determining whether and in what amount extraordinary attorneys' fees will be awarded:

- (1) The nature of and unusual time required for the tasks performed.
- (2) Results obtained.
- (3) Benefits accruing to the estate and to beneficiaries.
- (4) Nature of services performed by personal representatives.

B. Requests for extraordinary attorneys' fees must contain detailed and itemized descriptions of the work performed, the hours spent on the work performed, the average hourly rate requested, the total amount requested, special circumstances related to the request **and specifics as to what benefit was conferred upon the estate as a result of the extraordinary services rendered.**

C. Extraordinary fees may be awarded for extraordinary services, including but not limited to the following:

- (1) Sales, leases, exchanges, financing or foreclosure of real or personal property.
- (2) Contested or litigated claims against the estate.
- (3) Preparation of income, sales, withholding, gift or estate tax returns and handling of audits or litigation connected with tax liabilities.
- (4) Litigation connected with estate assets.
- (5) Carrying on the decedents' business.

- (6) Will contest.

(Adopted, effective July 1, 1996)

Rule 4.85 Compensation for Conservators and Their Attorneys

A Conservator or Attorney assigned on a case to perform any services associated with the administration of the estate shall be compensated for services rendered as set forth below and subject to the following criteria:

A. Fees for Conservators and Attorneys.

Conservators and their attorney's fees may be requested at the time of the accounting, and shall be calculated according to the work actually performed. Fee requests must be supported by a declaration of services performed, time expended, average hourly rate, results accomplished and benefit to the entity. California Rules Of Court, Rules 7.751, 7.752, 7.753, and 7.754.

B. Fees for Public Guardian and County Counsel.

- (1) Public Guardian Fees: Fees per accounting period for Public Guardian shall be based on the following:

(a) Percentile: 1.5% (.015) of fair market value of the estate on hand or \$1500, whichever is greater. Fees may be increased or decreased at the discretion of the court.

(b) For cases requiring extraordinary services, the Public Guardian Conservator may submit itemized billings with the accounts, in declaration form, for fees in excess of the percentile amounts.

- (2) County Counsel Fees: Fees per accounting period for County Counsel shall be based on the following:

(a) Percentile: 1.5% (.015) of fair market value of the estate on hand or \$1500, whichever is greater. Fees may be increased or decreased at the discretion of the court.

(b) For cases requiring extraordinary legal services, County Counsel may submit itemized billings with the accounts, in declaration form, for fees in excess of the percentile amounts.

C. The fees set out in paragraphs 1 and 2 (a) and (b) above are guidelines only and may be increased or decreased at the discretion of the Court.

D. Additional Fees:

- (1) Public Guardian Case Initiation Fee of \$250.00 payable upon permanent assignment of case to a Public Guardian.

(2) A \$1,000.00 fee, per property sold, is assessed by the Public Guardian for facilitating in the sale of real property.

(3) A fee equal to \$75.00 per hour or 25% of the value of the financial instrument involved, whichever is less, will be assessed for each financial instrument sold or registered.

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(4) A fee of \$75.00 per hour will be assessed for assisting in the initial placement of a Dementia Conservatee client.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2003; effective July 1, 2004, effective 7/1/2008)

Rule 4.86 Time for Allowing Compensation

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2003)(**RENUMBERED**, effective July 1, 2004, see new Rule 4.81.21)

Rule 4.87 Procedure

(Adopted, effective July 1, 1996)(**REPEALED**, effective July 1, 2004)

Rule 4.88 Court Investigation Assessments.

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).

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; effective July 1, 2004)

**APPENDIX A TO CHAPTER 13**

**Rules for Determining Commissions on Sale of Real Property**

**CHART OF BROKERS' COMMISSIONS**

(Real Property Sales - Probate Code Section 10162-10165)

**ABBREVIATIONS**

- B#1 = the broker with an exclusive listing agreement with personal representative  
B#2 = the broker who represents the original bidder whose bid is returned to Court  
  
B#3 = the broker who represents the successful over bidder in Court  
  
OB = the original bidder whose bid is returned to Court  
  
SOB = the successful over bidder in Court (no editorial comment intended by the abbreviation)

**NO EXCLUSIVE LISTING AGREEMENT**

(i.e., there is no B#1)

- A. OB is represented by B#2  
OB gets the property  
therefore,  
Entire commission goes to B#2, based on the confirmed amount (Section 10162.3)
- B. OB has no broker  
SOB is represented by B#3  
SOB gets the property  
therefore,  
B#3 gets the entire commission, based on the confirmed amount (but subject to the Section 10162 limitation that the commission cannot exceed 50% of the difference between the original bid and the successful bid) [Section 10163]
- C. OB is represented by B#2  
SOB has no broker  
SOB gets the property  
therefore,  
B#2 gets the entire commission, based on the original bid, [Section 10164(a) & (b)]

**THERE IS AN EXCLUSIVE LISTING AGREEMENT (WITH B#1)**

- D. OB is represented by B#2  
SOB has no broker  
SOB gets the property  
therefore,  
B#1 and B#2 split the entire commission based on the original bid as follows:
- a. Pursuant to agreement, if there is one; or

b. 50-50, if there is no agreement. Section 10164(c)

- E. OB is represented by B#1 (i.e., B#1 is B#2)  
SOB is represented by B#3  
SOB gets the property  
therefore,

B#3 gets: 50% of commission based on original bid,  
plus 100% of commission on difference between original and successful bids

B#1 gets: 50% of commission based on original bid Section 10165(c)(1)

- F. OB is represented by B#2 (B#1 is not B#2)  
SOB is represented by B#3 SOB gets the property  
therefore,

B#3 gets: 50% of commission based on original bid,  
plus 100% of commission on difference between original and successful bids

B#1 and B#2 split 50% of commission based on original bid as follows:

- a. Pursuant to agreement, if there is one; or  
b. 50-50, if there is no agreement (Section 10165)

**CHAPTER 14 TRANSACTIONS INVOLVING INCOMPETENT SPOUSE**

Rule 4.89 Prior Court Approval Is Required For Any Action Specified In Probate Code Section 3100, Et Seq.

- A. Petition: A clear factual showing of the information set forth in Sections 3121, 3122 and 3123 shall be included in each petition submitted.
- B. Notice: Notice shall be given as required by Sections 3130 and 3131.
- C. Appointment of Independent Counsel: Prior to the hearing on any petition for Court approval of a transaction involving an incompetent spouse, pursuant to Probate Code section 3100 et seq. independent counsel for the conservatee shall be appointed by the Court pursuant to Local Court Rule, Rule 4.100. Appointment of independent counsel shall be initiated by the petitioner(s) and shall be arranged through the Court Investigations Office of the Probate Division . Independent Counsel shall report to the court regarding the efficacy and propriety of the proposed transaction.
- D. Bond: Upon the granting of a petition approving a transaction involving an incompetent spouse, reasonable bond shall be required of the petitioner pursuant to Section 3150.
- E. Filing Procedures: 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 “endorsed filed” and will be returned to the filing party for his/her records.

(Adopted, effective January 1, 2000) (Amended, Effective July 1, 2004) (Amended, effective July 1, 2009)

**CHAPTER 15 TRUSTS**

Rule 4.90 Trustee’s Accounts

- A. General. Accounts for intervivos trusts must be filed as a new proceeding even if the trust receives distribution from a decedent’s estate following probate of a pour-over will.
- B. Contents and Format. Refer to Local Rule 4.48 above.

(Adopted, effective July 1, 2004 )

Rule 4.91. Notice to Beneficiaries

Notices shall be provided as set forth in Probate Code sections 15802 and 15804 and California Rules of Court, Rules 7.50 through 7.55 and 7.902).

(Adopted, effective July 1, 2004 )



Rule 4.92 Compensation of Trustees and Attorneys for Trustees

A. Criteria. In determining or approving compensation of a trustee and the attorney for the trustee, the court may consider the following additional factors in addition to the factors specified in California Rules Of Court, , Rule 7.756:

1. Whether the trustee has delegated work to others (such as investment advisors, property managers, attorneys, etc.)
2. If the trustee is a corporate trustee, the published rates for its usual services; and if the trustee is a private professional fiduciary, the usual hourly rates charged by such fiduciary.
3. Whether the trust assets being administered are passive or require active management.
4. Whether the duties of the trustee in administering the trust are similar to those of a personal representative of a probate estate.

B. The time for allowing compensation is governed by Probate Code Sections 15680-15688. Petitions for periodic payment must comply with Probate Code section 2643 and California Rules Of Court, Rule 7.756.

(Adopted, effective July 1, 2004 )

Rule 4.93 Trusts Established Before Distribution of Probate Estate.

A. If a trustee named in a decedent's will is designated as beneficiary of a life insurance policy, or of employment or other benefits, the trustee may be appointed before the decree of distribution is made, upon the filing of a petition. If no trustee named in the will is able or willing to serve, a trustee not named in the will may be appointed. Notice shall be given to the beneficiaries and the personal representative, if not the petitioner, at least 30 days prior to the hearing.

B. The order appointing the trustee must contain all the terms of the trust and the trustee must have all the powers and duties in respect to the trust estate set forth in the order. All other terms of the trust not required can be incorporated by attaching a copy of the trust to the order. Reference California Rules Of Court, , Rule 7.650.

(Adopted, effective July 1, 2004 )

Rule 4.94. Trusts Created Pursuant to Court Order.

A. Any trust that is created by court order (including trusts created under the "substituted judgment" provisions of Probate Code section 2580 et. seq. and trusts created under the provisions of Probate Code section 3100 et. seq. relating to particular transactions for disabled spouses, and Section 3600 et seq. relating to the compromise of claims of minors and incompetent adults), shall, unless otherwise ordered by the court upon good cause shown, contain provisions providing for protection of the trust assets against misuse and for continuing supervision by the Court.

B. A special needs trust created by order of the court for the benefit of an incompetent person will ordinarily be required to contain the following provisions:

1. Provisions for appointment of a successor trustee on approval of the court.

2. Requirement that all trustees except corporate trustees post a bond in the amount required by Probate Code Section 2320.
3. Requirement of an accounting to the beneficiary, and to the Probate Court if required by the Court, consistent with Probate Code Sections 1060 et. seq.
4. A payback provision, if applicable, must be inserted as required by 42 USC 1396(d)(4)(a) for repaying of benefits paid by Medi-Cal or any other Medicaid agency.
5. Notice requirements on termination of the trust or death of beneficiary, and for any additions to the trust.
6. Dispositive provisions for distribution to residual beneficiaries after any payback required by 42 USC 1396 (d) (4)(2) has been made.

A court order creating a special needs trust under Section 3602 or 3611 shall include a provision that all statutory liens in favor of the State Department of Health Services, the State Department of Mental Health, the State Department of Developmental Services and any county or city and county in this state shall first be satisfied prior to transferring funds to the special needs trust.

C. A trust created for a conservatee under Probate Code Section 2580 will ordinarily be required to include the following provisions:

1. Provisions for appointment of a successor trustee on approval of the court.
2. Requirement that all trustees except corporate trustees post a bond in the amount required by Probate Code Section 2320.
3. Requirement that the trustee shall file reports and accounts to be reviewed in conjunction with the review of the conservatorship.
4. Prior court approval shall be required for his or her acts, where such approval would be required if the Trustee were administering the estate as a conservator.

Refer to Local Rules of Court, Rule 4.82 above.

(Adopted, effective July 1, 2004 )

Rule 4.95 Fees for Public Guardian and County Counsel.

A. Public Guardian Fees: Fees per accounting period for Public Guardian shall be based on the following:

1. Percentile: 1.5% (.015) of fair market value of the estate on hand or \$1500, whichever is greater.
2. For cases requiring extraordinary services, the Public Guardian Conservator may submit itemized billings with the accounts, in declaration form, for fees in excess of the percentile amounts.

B. County Counsel Fees: Fees per accounting period for County Counsel shall be based on the following:

1. Percentile: 1.5% (.015) of fair market value of the estate on hand or \$1500, whichever is greater.

2. For cases requiring extraordinary legal services, County Counsel may submit itemized billings with the accounts, in declaration form, for fees in excess of the percentile amounts.
- C. The fees set out in paragraphs A and B above are guidelines only and may be increased or decreased at the discretion of the Court.
- D. Additional Fees:
1. Public Guardian Case Initiation Fee of \$250.00 payable upon permanent assignment of case to a Public Guardian.
  2. A \$1000.00 fee, per property sold, is assessed by the Public Guardian for facilitating in the sale of real property.
  3. A fee equal to \$75.00 per hour or 25% of the value of the financial instrument involved, whichever is less, will be assessed for each financial instrument sold or registered.
  4. A fee of \$75.00 per hour will be assessed for assisting in the initial placement of a Dementia Conservatee client.

(Adopted, effective July 1, 2004 )

## **COURT RULES 4.96 TO 4.99 IS RESERVED**

### Rule 4.100 Independent Counsel

- A. Appointment. Independent Counsel will be appointed by the Court in the matters specified in the Probate Code. In addition, it is the Court's policy to appoint Independent Counsel in the following matters:
1. Petitions under Probate Code Section 3101 (Proceeding to Authorize Transaction Involving Incompetent Spouse);
  2. Petitions under Probate Code Section 2580 et seq. (Substituted Judgment);
  3. When the probate investigations department has recommended the appointment of Independent Counsel, or the Court otherwise determines that appointment is necessary or would be helpful for resolution of the matter at issue.
- B. Scope of the representation shall be as set forth in the order appointing Independent Counsel or as subsequently modified by the Court.
- C. Payment of Fees. If Independent Counsel is appointed, the fees incurred must be paid as ordered by the Court, even if the matter for which the appointment was made is dismissed, withdrawn or terminated.
- D. Term of Service. Independent Counsel shall serve until discharged by order of the Court. Independent Counsel may request fees and discharge at the time of filing the Report of Independent Counsel (where representation will not be ongoing), in a separate petition after conclusion of the matter for which representation was required, or (in ongoing matters) from time to time as deemed reasonable by the Court, although in such cases the Court prefers to hear the petition for fees at the time of an

accounting.

E. Court Policies and Procedures. Additional matters concerning the panel of Independent Counsel, including panel membership, appointment to the panel, and the rotation of appointments, are set forth in a separate set of Court Policies and Procedures developed and maintained by the Court.

F. Reports by the Independent Counsel to the Court must be filed with the Court at least five(5) court days prior to the hearing.

(Adopted, effective July 1, 2004 )

**DIVISION V**  
**FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**

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**DIVISION V**  
**FAMILY LAW DEPARTMENT AND FAMILY COURT SERVICES**

Rule 5.1      Applicability of Rules

Family law proceedings are governed by the California Rules of Court as supplemented by these local rules of the San Mateo County Superior Court. These rules are intended to provide uniformity of practice and procedure among all departments involved in family law matters. These Rules shall at all times be supplementary and shall be construed and applied so they do not conflict with the California Rules of Court, and any rules adopted by the Judicial Council, and relevant case and statutory law.

Attorneys and self-represented litigants (also known as pro pers) shall comply with all applicable statutes in addition to these local family law rules and the California Rules of Court. Where these rules refer to Superior Court forms, the equivalent Judicial Council forms shall also be accepted.

Self-represented litigants shall be treated in the same manner as if represented by counsel and shall be held to the same standards. All references to counsel in these rules apply equally to self-represented litigants.

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

(Adopted, effective January 1, 2000)(Amended, effective January 1, 2004)(Amended, effective July 1, 2023)

Rule 5.2      Court Locations

The Family Law Department is located at the Court's Southern Division at the Hall of Justice and Records, 400 County Center, Redwood City, California. All Family Law proceedings shall be filed at and shall be heard at the Southern Division in Redwood City, California, unless otherwise order by the Presiding Judge or a designated Supervising Judge pursuant to Local Rule 6.9.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2004; effective January 1, 2013)

Rule 5.3      Matters Heard in Family Law Department

Matters to be heard in the Family Law Department shall include:

- A. All requests for orders and other family law matters preliminary to trial, all defaults under the Family Code; and all required settlement conferences and trials;
- B. All requests for orders and orders to show cause relating to enforcement or modifications of family law orders or judgments;
- C. All requests for orders relating to child custody, support, visitation, or attorney's fees and costs under the Uniform Parentage Act (Family Code §7600 et. seq.) And the Uniform Child Custody Jurisdiction Act (Family code §3400 et. seq.);
- D. All proceedings under the Revised Uniform Reciprocal Enforcement of Support Act (Family Code §4800 et. Seq.);
- E. All applications for restraining orders enjoining domestic violence under the Family Law Act, the Uniform Parentage Act, and the Domestic Violence Prevention Act (Family Code §6800 et. Seq.);

Superior Court of California, County of San Mateo

- F. All family law discovery matters;
- G. All applications for issuance of writs of execution and habeas corpus, or warrants in lieu thereof, in family law cases;
- H. All requests for orders for change of venue in family law cases;
- I. All stipulations by the parties for appointment of a referee, private judge, or Special Master pursuant to CCP §638, or alternative dispute resolution, or any request by a party for the court to order a referee or Special Master pursuant to CCP §639.

(Adopted, effective January 1, 2000)(Amended, effective July 1, 2023)

Rule 5.4 Case Flow Management

A. Case Assignment: Commencing January 1, 2004 the Family Law Department will operate under a Direct Calendar system. Cases shall be randomly assigned to a Family Law Department. For matters filed prior to the commencement date, the Court in its sole discretion will randomly assign a case to a department upon the filing of the first pleading requiring a hearing, conference, or trial.

1.Exceptions: Cases required to be heard by a Title IV-D commissioner pursuant to Family Code §4251 shall not be subject to random assignment.

2.Applications for restraining orders pursuant to Family Code §6200 et seq. shall be reviewed by various departments and assigned to a judicial officer hearing the Domestic Violence Prevention Act calendar unless there is a pending family law action. If an application for a restraining order arises in a pending case, the matter shall be reviewed by the previously assigned department and heard on the appropriate calendar for that department.

B. Assignment for all purposes: The assigned department shall handle all proceedings in the case, including but not limited to, orders to show cause, ex parte applications, request for orders, law and motion, status, and settlement conferences, and trial. Post-judgment motions for enforcement and/or modification should also be heard in the initial department whenever possible. If the assigned department is disqualified, recuses itself, or there is a change in assignments, the case shall be re-assigned to another Family Law Department. Nothing herein shall be construed to interfere with the power of the supervising family law judge to assign or reassign cases pursuant to California Rules of Court.

C. Notice of Assignment: The clerk of the Court shall provide a Notice of Assignment to the petitioner in a new case filed after January 1, 2004, and to the moving party in a pending case filed prior to the commencement date upon filing of the first pleading requiring a hearing, conference, or trial. The petitioner/moving party must have the respondent/opposing party served with a copy of the Notice of Assignment. A proof of service shall be filed with the Court. The Clerk will place a copy of the Notice of Assignment in the Court file.

D. Challenges to the Assigned Department: Disqualification of a department is controlled by the “all purpose” provisions of Code of Civil Procedure §170.6 and as such a challenge is considered timely to the judicial officer to whom the case has been assigned if the challenge is exercised by the Petitioner or moving party within ten days of the filing of the Petition for cases filed after the commencement date, and within ten (10) days of the filing of the first pleading requiring a hearing, conference or trial for cases filed prior to the commencement date. The responding party has ten (10) days after service of the Notice of Assignment to assert a challenge under Code of Civil Procedure §170.6.

**E. Cases Assigned to Commissioners:**

1. Except as provided in Code of Civil Procedure § 259, subdivisions (a), (b), (c), (e), (f), and (g), parties are required to stipulate to a commissioner hearing a matter acting as a temporary judge pursuant to California Constitution, Article VI §§ 21 and 22 and Code of Civil Procedure § 259(d).
2. When a case is assigned to a commissioner, Local Form AD-10, *Stipulation for Court Commissioner to Act as Temporary Judge for All Purposes* is available to the parties and shall be filed before the first hearing. The refusal of a party to stipulate to a commissioner will result in the reassignment of the case to a judge and the hearing may be continued to another date.
3. Child Support Commissioner: In cases where a party refuses to stipulate to a commissioner hearing a Title IV-D governmental child support case, the commissioner will proceed to make findings of fact and a recommended order subject to ratification by a judge pursuant to Family Code § 4251 (c).
4. In order to avoid the undue consumption of judicial resources and to minimize inconvenience to the litigants, parties are strongly advised to file with the court and serve on all parties either a *Stipulation for Court Commissioner to Act as Temporary Judge for All Purposes* (Local Form AD-10) or a written objection to the assignment of a commissioner acting as a temporary judge, at least five court days before the first scheduled hearing.

#### F. Consolidated Cases

If the court consolidates a case, the case of broader jurisdiction, or the lower family law case number, (if the cases are of equal jurisdiction) shall be designated as the lead case and originals of all papers thereafter filed shall be placed in the lead case file (California Rules of Court, Rule 3.350). Any hearing date in any case other than the lead case shall be vacated and reset, and all future hearing dates will be noticed under the lead case number.

(Adopted, effective January 1, 2000) (Amended, effective January 1, 2003) (Amended, effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2009) (Amended, effective July 1, 2012) (Amended, effective January 1, 2017)

#### Rule 5.4.1 Informal Discovery Conferences in Family Law Proceedings

- (a) Informal Discovery Conference. In all family law proceedings as defined by CRC Rule 5.2(b)(3), parties are encouraged to hold an Informal Discovery Conference with the Court prior to filing a motion to compel or any other discovery motion. Counsel must have exhausted all meet and confer obligations before the Informal Discovery Conference.
- (b) Permissive Informal Discovery Conference with Third Parties. Informal Discovery Conferences are permitted for discovery disputes with non-parties as well, pursuant to the same procedures described below.
- (c) Conducted by Family Law Commissioner. Informal Discovery Conferences will be scheduled with and conducted by the Family Law Commissioner. As an Informal Discovery Conference does not involve the adjudication of any issue of disputed law or fact by the Family Law Commissioner, Code of Civil Procedure Section 170.6 does not apply. The outcome of an Informal Discovery Conference does not bar a party from subsequently filing a discovery motion or prejudice the disposition of a discovery motion.



(d) Remote Only. Informal Discovery Conferences in family law cases are conducted remote only by Zoom, and are not recorded by any party and are not reported by any court reporter.

(e) Request for Informal Discovery Conference.

(i) To request an Informal Discovery Conference, counsel must contact the Department of the Family Law Commissioner by email which email must be contemporaneously copied to counsel for all parties to the action and any self-represented parties. Prior to making a request with the department, counsel shall obtain the consent of opposing counsel in writing to engage in an Informal Discovery Conference. Any party requesting an Informal Discovery Conference shall identify the case name and number, the name of the party requesting the Informal Discovery Conference, the date and time reserved by that party for the Informal Discovery Conference, and the estimated length of the IDC session.

(ii) To reserve a date and time for the Informal Discovery Conference, the requesting party shall consult Family Law Direct Calendar of the Family Law Commissioner on the Court's website at [www.sanmateocourt.org](http://www.sanmateocourt.org), and request in the email (under subsection (e)(i) above) an IDC session for a date that is, at least, ten calendar days, but no later than 29 calendar days, from the date of the request for Informal Discovery Conference.

(f) Tolling of Deadline to File Motion. By agreeing to engage in an Informal Discovery Conference, parties agree that the time for bringing any motion to compel or other discovery motion is tolled, starting on the date a party makes the email request for an Informal Discovery Conference to the Court. All requests for Informal Discovery Conference must be made well prior to the expiration of the statutory time to bring a motion to compel or other discovery motions. Tolling shall be automatically lifted upon completion of the Informal Discovery Conference; and the time in which to bring a discovery motion shall continue to run thereafter, unless otherwise agreed by the parties in writing, or unless otherwise agreed by the parties at the Informal Discovery Conference and placed in the Court's Minutes including an affirmative waiver of the statutory requirement that it be in writing.

(g) Email Correspondence Detailing Discovery Dispute.

(i) Within five (5) calendar days of the initial email request to the Court for an Informal Discovery Request, the disputing parties shall, jointly or separately, email correspondence to the department email address for the Family Law Commissioner, and contemporaneously to all parties, an electronic letter of no more than five (5) pages, without attachments, summarizing the discovery dispute(s). It shall include on the first line (i) the case name and number, (ii) the date and time reserved by the parties for the Informal Discovery Conference, and (iii) the estimated length of the IDC session.

(ii) Failure to timely provide the Court with email correspondence summarizing the discovery dispute(s) may, and likely will, result in the Informal Discovery Conference being vacated/cancelled, and tolling of the time to file and serve any discovery motion will cease.

(h) Statutory Declaration Waived. The Court waives the statutory requirement for the parties involved in the discovery dispute to file "meet and confer" declarations pursuant to Code of Civil Procedure Sections 2016.040 or 2016.080(b) prior to the Informal Discovery Conference. The dispute will be addressed by the e-correspondence method/procedure set forth above; and the parties are requested not to file any such declarations unless and until the Informal Discovery Conference is unsuccessful and a formal discovery motion is subsequently filed.

(i) Email Requirements.

(i) All communications to the department email address for the Family Law Commissioner must include in the header “subject line” the Case Number and Name of Case (e.g., 19FAM06543 Smith v. Jones).

(ii) All correspondence regarding any Informal Discovery Conference, such as IDC letter briefs, requests to take matters off calendar, and requests for rescheduling, shall be submitted electronically, rather than paper, to the department email address for the Family Law Commissioner. All electronic correspondence must be sent in at least 12-point type. The email address is for the sending and receiving of correspondence, and is not a venue for back-and-forth communications with the Family Law Commissioner.

(iii) Communications to the department’s email address are not part of the official court files; and will be retained for at least 90 days and then be subject to deletion (destruction) thereafter.

(j) Authorization of Family Law Commissioner.

(i) Good cause appearing, the Family Law Commissioner may, and is authorized to, continue the Informal Discovery Conference, or schedule further proceedings on the same discovery disputes via Informal Discovery Conference. The Family Law Commissioner shall enter minutes in the family law case docket indicating that an Informal Discovery Conference was held, the date held, the counsel and parties attending, and whether or not all discovery disputes were resolved.

(ii) If a party to a discovery dispute is notified of the Informal Discovery Conference and fails to appear, the Family Law Commissioner may, and is authorized to, reschedule or cancel the Informal Discovery Conference, or issue an Order to Show Cause Re: Sanctions for failure to appear.

(k) Motion if Unresolved Discovery Disputes. If any discovery dispute is not resolved following the Informal Discovery Conference, any party may proceed to file and calendar hearing on a motion to compel or other discovery motion in the department of the Family Law Judge assigned to that case

(Adopted, effective July 1, 2023)

#### Rule 5.5 Alternative Dispute Resolution

A. ADR Policy: California Rules of Court and the Family Law Act strongly encourage alternative dispute resolution (ADR) of family matters. The Family Law Department recognizes that formal litigation of legal claims and disputes is expensive and time consuming. The goals of this Court are: to reduce hostilities between the parties; facilitate the early resolution of issues; and provide parties with an opportunity to maximize their satisfaction with the resolution of their case. It is therefore the policy of this Court to promote and encourage the parties to settle their disputes by the use of appropriate dispute resolution options which include mediation, arbitration, collaborative law, court supervised settlement conferences and/or judicial case management.

B. Requirements for filing and service of the Notice of ADR Options In Family Law Actions: Each party to a family law action shall be informed of the alternatives to litigation to resolve their disputed issues. Notice shall be in the form of an information sheet entitled “Notice of ADR Options” (hereinafter “Notice”) (see Local Court form FL-02). All parties and counsel shall file and have the Notice served on the other party with any Petition or Response under the Family Law Act or Uniform Parentage Act, Request for Order, Responsive Declaration to Request for Order, or other family law pleading which will result in a court hearing or trial, unless a Notice has previously been filed within the past 180 days. A Proof of Service shall be filed with the Court.

(1) Exceptions: This rule shall not apply to domestic violence cases filed under Family Code 6200 et seq., nor to Title IV-D child support actions involving the Department of Child Support pursuant to Family Code §§17400 and 17406 and/or those actions filed by the local child support agency pursuant to Family Code §4900 et seq. This rule shall not apply to Motions to Withdraw or to matters pending before a private judge. The Notice shall not be served on an employee pension benefit plan.

C. Except for temporary emergency court orders or an initial Request for Order filed with a Petition, no hearing or trial date shall be set by the Clerk of the Court until the moving party has complied with filing and service of the Notice as set forth in this Rule.

D. The Court's ADR program shall maintain a list of attorneys who possess the qualifications related to this Rule.

E. The Court has existing procedures in adherence to California Rules of Court, Rule 5.420.

(Adopted, effective January 1, 2000) (Renumbered (*formerly Rule 5.4(c)*)) and Amended, effective January 1, 2004) (Amended, effective July 1, 2004) (Amended, effective January 1, 2010) (Amended, effective July 1, 2012) (Amended, effective July 1, 2013)

#### Rule 5.6 Ex Parte Orders

Please see California Rules of Court (CRC), Rules 5.151, et seq., for procedures governing requests for "Emergency Orders". The following local policies and procedures shall be considered and followed when making a request for emergency orders under CRC 5.151

**A. Court's Policy.** Ex parte applications are strongly disfavored. Orders will be issued thereon only upon a substantial showing of need. The court's policy is to decide ex parte applications solely based upon the affidavits/declarations submitted in favor of, or in opposition to, the applications.

#### **B. Ex Parte Applications.**

1. **Represented Parties.** Applications for ex parte orders in family law matters when there is a pending Family Law case shall be presented to the judge assigned to the case for all purposes through the family law clerk's office at the Hall of Justice and Records in Redwood City. When there is no pending Family Law case, the application shall be submitted to the Family Law Clerk's office and will be assigned a department by the Family Law Supervising Judge for review and determination.

2. **Self-Represented Parties.** Self-Represented parties seeking an ex parte order are strongly encouraged to present their papers to the Family Law Facilitator's office for review prior to submission to the assigned department. After review of the Ex Parte papers by the Family Law Facilitator's office, the self-represented party will be directed to the Family Law Clerk's Office to file their Ex Parte papers and for assignment by the Family Law Supervising Judge to a department for review and determination.

3. **Filing Fees.** All parties are required to pay all applicable filing fees associated with filing Ex Parte Applications as required by law, unless the party has obtained a Fee Waiver Order. The filing fee must be paid prior to the application being presented to the appropriate Department for review and determination.

**C. Exceptions to the Notice Requirements.** Requests for the following types of ex parte relief do not require notice to the opposing party or the opposing party's counsel:

1. Signature of an order or judgment for which opposing counsel has approved or agreed not to oppose entry;
2. Signature of an order or judgment after default proceedings;
3. Wage and earning assignment orders for support orders made on or after July 1, 1990 (Family Code §5230). Earning assignment orders may be granted ex parte for support orders made on or after July 1, 1990 by submitting the assignment order separately or with the underlying support order or judgment.
4. Ex parte assignment orders for arrearages accrued under any support order may be requested by completing a detailed declaration and calculation, signed under penalty of perjury, setting forth the month to month accrual of amounts paid and unpaid. Ex parte assignment orders for arrearages are granted without prejudice to subsequent attack by a motion to quash.
5. Orders to locate prepared by the Department of Child Support Services.
6. Order for the restoration of a former name.
7. Order for payment through the Department of Child Support Services.
8. Request for a child protective services report for a minor child requested by Family Court Services.

**D. Application for Ex Parte Temporary Custody Order.** In addition to those requirements set forth in Rule 5.151(d)(5), California Rules of Court, a party requesting an ex parte custody order shall include information on any existing custody order(s) and the status of any previous related referrals to any law enforcement agency or child protective services in their supporting affidavit/declaration.

**E. Order Shortening Time for Hearing and/or Deposition.** When a request for an order shortening time for hearing and/or taking of a deposition is granted, time for service may be shortened up to two court days before the hearing date and five calendar days before the taking of a deposition.

**F. Stay Away From Residence Orders.** Ex parte residence exclusion orders will not be issued unless there is a clear showing, under Family Code §6321. The showing must include a full description of the most recent instance(s) of actual assault, or threats to assault, disposition towards violence, substance abuse or other such facts, and shall specify the date of each occurrence.

**G. Exclusive Use of Vehicle.** An ex parte order granting exclusive use of a vehicle ordinarily will not be granted unless the declaration demonstrates a true emergency and specific facts to support the order, including a discussion of the relative hardships to the parties and a compelling need for the order. Whenever possible, any request for orders with respect to a vehicle should include the year, make and license number of the vehicle.

**H. Set Aside of Ex Parte Order.** If a responding party requests an ex parte order to be set aside prior to the date set for hearing, notice shall be given to the moving party. The court may order an earlier hearing date or modify the orders on a proper showing in lieu of setting aside the orders.

(Adopted, effective January 1, 2000) (Renumbered (*formerly* 5.5) and Amended, effective January 1, 2004) (Amended, effective January 1, 2008) (Amended section E, effective July 1, 2008) (Amended, effective January 1, 2012) (Amended, effective January 1, 2013)(Amended, effective July 1, 2013)(Amended, Effective January 1, 2016)

Rule 5.6.1 Request for Emergency Orders (REPEALED)

(Adopted, effective January 1, 2013) (REPEALED, effective July 1, 2013)

Rule 5.7 Request for Orders, Order to Show Cause, and Notice of Motion

A. Moving and Responsive Papers

- 1 Moving and Responsive Papers – See California Rules of Court, Rules 5.90 through 5.94
2. Courtesy Copies of Moving and Responsive Papers: Counsel and parties are advised to bring a courtesy copy of all relevant moving or responsive papers to the hearing. Due to last-minute filings and the volume of business, the court file may be incomplete at the time of the hearing. Courtesy copies are welcomed and encouraged. Parties shall check with individual departments that will be hearing the motion for preferences regarding providing hard copies, email, or facsimilies and the time frame within which to provide the courtesy copies.
3. Family Court Services Information Sheet: When filing a Request for Order regarding custody or visitation, whether disputed or not, the moving party must also complete a Family Court Services Information Sheet. (See Local Court form FCS-04 ) This is not to be filed with the court, rather submitted to Family Court Services at the time of the scheduled appointment.
4. Post-Judgment Request for Order: Service of post-judgment Request for Orders shall be pursuant to Family Code §215. However, Family Code §215 shall not apply to on-going matters where a judgment of dissolution of status has been entered, but further judgment on reserved issues is pending. [See CRC 5.92(A)(1)(6)(B)].

B. Initial Calendaring: All motions and Orders to Show Cause shall be initially set on the law and motion calendar of the assigned family law department. The initial hearing date shall be assigned by the clerk's office at the time the matter is filed. Approximate setting dates are available on the updated clerk's office hotline at (650)261-5018 and may be requested on a messenger slip or other memorandum addressed to the clerk.

If temporary restraining orders pursuant to the Domestic Violence Prevention Act have been granted pending a hearing, the Clerk must set the hearing date within 25 days of the filing date. When mediation (child custody recommending counseling) at Family Court Services is required in these cases, the hearing will be calendared within 25 days of the filing date, but hearing on the custody and visitation aspects of the case may be continued to another setting unless a Family Court Services appointment is available at least 5 court days prior to the hearing.

C. Time Limits: Hearings on the law and motion calendar are limited to 20 minutes and are subject to further time limitations to accommodate the court's calendar. The time limit includes presentation of the case and reading of the file by the Court.

D. Transfer of a Matter Exceeding 20 minutes:

1. Transfer At Initial Hearing: If at the time of the first calendar appearance the court determines that the hearing in the matter will exceed 20 minutes in length, the matter may be continued by the Court to a Short Cause calendar in the assigned department.
2. Transfer Prior to Initial Hearing: If, after service of the Order to Show Cause, Notice of Motion, or Request for Order, but before the hearing date, both counsel and/or self-represented parties agree

that the hearing of a matter will exceed 20 minutes, the matter may be transferred by the courtroom clerk in the assigned department to a Short Cause Calendar.

E. Continuances: A request for a continuance should be made at the earliest possible time prior to the hearing, except as otherwise noted in rule 5.113(f) of the California Rules of Court. A request by the moving party for continuance at the time of the hearing may be looked upon with disfavor and in the absence of good cause, may be denied. Once a matter has been set for hearing, no more than two continuances shall be granted unless good cause is shown. Absent good cause, if a case is not ready to proceed to hearing on the date established as a result of the second continuance the court may take the matter off calendar. Once approved, counsel should advise the assigned department of the continuance at the earliest possible date prior to the hearing.

1. Stipulated continuances prior to hearing: Requests for continuances should be directed to the clerk's office via facsimile, email or in person, no later than 12:00 Noon the court day before the scheduled hearing. If timely made, the Clerk will grant the continuance provided that:
  - a. proper service was effected;
  - b. the requesting party represents that all parties have agreed to a continuance;
  - c. all parties have agreed to continue the matter to a specific date which is provided to the Clerk at the time of the request (counsel and parties are reminded that available dates may be obtained from the court's hotline (650) 261-5018);
  - d. the parties send written confirmation to the Clerk by letter or using local court form "Stipulation and Order Re: Continuance"; and
  - e. the proper fees have been paid or arrangements for payment have been made.
2. An appearance is required for stipulated continuances made after 12 Noon the court day prior to the hearing. Stipulated continuances may be obtained from the courtroom clerk in the assigned department before the calendar call. The court may also grant stipulated continuances at the calendar call. Parties may submit the local court form "Stipulation and Order Re: Continuance" to request a continuance.
3. Continuances of Orders to Show Cause re: Contempt must be requested in open court (with the citee present), or obtained by written stipulation including a signed consent by the citee to the continuance. The stipulation shall be filed with the court at or before the time set for the original hearing. If the citee does not appear, upon request, a bench warrant will normally be issued and held until the new date to retain jurisdiction.

F. Conduct of Hearings:

1. Meet and Confer Requirements: Once responsive papers have been filed, the moving party shall contact the opposing party prior to the scheduled hearing and arrange to meet and confer (personally or by telephone) prior to the hearing. All parties and counsel are to make good faith efforts to resolve the issues pending before the court, and to inspect documents and exchange information so that issues may be resolved, facts agreed to by stipulation, and those issues remaining for determination be clearly delineated and expeditiously presented to the court at the time of the hearing. Failure to comply with the meet and confer requirements in good faith may result in the award of attorney's fees and/or sanctions against the non-cooperating counsel or party. The inability of counsel to get along or communicate effectively is not an excuse for failure to meet and confer. The professional obligation of counsel to meet and confer in an effort to resolve disputes is an obligation owed to clients, the court, witnesses, children, and other litigants. This rule does not apply to harassment or domestic violence matters (See Rule 5.98 of the California Rules of Court).

2. **Calendar Calls:** The calendar for each session shall begin promptly at the appointed time and place designated on the notice of hearing. The supervising judge of the Family Law Department may change the times for calendar calls and notice thereof will be published in the legal newspapers in the county and/or posted outside the affected courtrooms. The Court allows for remote appearances by way of Zoom Audio/Video for certain family law calendars and hearing types. Please refer to the Calendar Appearance Requirement Matrix, on the court's website ([www.sanmateocourt.org](http://www.sanmateocourt.org)) for specific details as to which calendars allow remote appearances. For those calendars where remote appearances are permitted, appearances by video are strongly preferred; audio-only appearances, through the video vendor, currently Zoom, are permitted only if video is completely unavailable. However, in all evidentiary hearings where a party or witness is appearing remotely, video is required. 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 person had personally appeared late for the hearing. The Court will provide a telephone number on the website ([www.sanmateocourt.org](http://www.sanmateocourt.org)) for litigants and attorneys to obtain assistance regarding remote appearances. The telephone line will be open 30 minutes before the start of a court hearing and will remain open for the duration of the court session.
3. **Nonappearance at calendar call:** If there is no appearance within 15 minutes of the calendared time for the hearing, the matter may be ordered off calendar or may be heard as an uncontested matter in the court's discretion. Counsel who will be engaged elsewhere at the calendar call or have an unavoidable conflict in another department should advise opposing counsel at the earliest possible time prior to the hearing. Counsel should notify the department(s) they will be appearing before, and request the court's accommodation and/or calendar priority prior to the calendar call at the check-in with the courtroom clerk. The court strongly discourages counsel from scheduling appearances in more than one department per calendar call. If unavoidable, every reasonable effort should be made to reschedule one of the hearings.
4. If parties and/or counsel wish to conduct settlement negotiations on the day of the hearing, they shall notify the courtroom clerk prior to the calendar call at the time of the check-in. After so informing the clerk, neither the parties nor counsel need be present when the calendar is called, and the matter will remain on calendar. If a case is settled after the calendar is called but before the hearing, counsel should so inform the courtroom clerk and every effort will be made to place the stipulation on the record before the court hears the remaining contested matters provided there is sufficient time. Counsel should not state that a case is settled if any issues are remaining for court adjudication. It is the duty of counsel to periodically inform the court of the status of the settlement negotiations and to ascertain that sufficient time remains to hear the matter if settlement is not reached.
5. Matters are frequently continued to another date at the time of the hearing or conference. Counsel are advised to bring their calendars to court if they wish the court to take into consideration prior commitments. The court will not allow counsel to postpone setting a future court appearance because they lack immediate knowledge of their calendar.
6. At the time the calendar is called it is the duty of counsel to give the court accurate time estimates for the presentation of the entire matter. Failure to do so may result in the hearing being interrupted, continued, or ultimately concluded at the end of the calendar.
7. **Manner of Presentation:** Participants shall present Orders to Show Cause, Request for Orders, and motions in the following order:
  - a. Announce appearance; and,
  - b. Clearly state ALL contested issues; and,

- c. Recite any stipulated matters for approval of opposing counsel, the parties and the court; and,
- d. Briefly present argument on each contested issue including a specific recommended solution Participants shall not interrupt the opposing side's presentation, other than with valid evidentiary objections, and shall direct all remarks to the court.

8. Once the court has rendered its decision, participants shall not attempt to reargue the case. It is, however, acceptable to question the court in order to clarify a ruling or correct an obvious mistake of fact.

G. Evidence at Hearing: Presentation of testimony at the hearing is dictated by the provisions of Family Law Code section 217 and any rules of court adopted by the Judicial Council regarding implementation of Family Code section 217 (i.e. rule 5.111 of the California Rules of Court (declarations) and rule 5.113 of the California Rules of Court (live testimony)).

H. Award of Attorney's Fees and Costs: If liquid community assets exist, an award of attorney's fees and costs will generally be made from this source. If no liquid community assets exist, the court will generally award attorney's fees and costs to those persons who are unable to bear their own fees and costs. Each party should be aware that an award of attorney's fees and/or costs under Family Code sections 2030 and 2032 is generally subject to a need and ability analysis. Absent unusual circumstances, it is highly unlikely the court will order any party to pay 100% of the other party's attorney's fees and costs. Each party should expect to bear a significant portion of his/her own attorney's fees and costs even after a need/ability analysis. An award against a party may, if requested, be made in the nature of non-taxable spousal support payable by wage assignment. The court will require the repayment of a retainer where the party awarded the attorney's fees was compelled to borrow the retainer, and the community or the paying party has the ability to repay the loan.

When awarding attorney's fees in enforcement actions, including contempt, the court will be governed by Family Code §3557.

Any time fees or costs are at issue, pursuant to Family Code, section 2030 both parties shall submit a *fully completed* income and expense declaration. (Emphasis added).

I. TEMPORARY SPOUSAL SUPPORT FORMULA. Temporary spousal support is generally computed by taking 40% of the net income of the payor, minus 50% of the net income of the payee, adjusted for tax consequences. In the event there is child support, temporary spousal support is calculated on the net income not allocated to child support and/or child-related expenses.

(Adopted, effective January 1, 2000)(Amended and renumbered (*formerly Rule 5.6*), effective January 1, 2004) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007) (Amended, effective January 1, 2010)(Amended, effective July 1, 2010) (Amended, effective July 1, 2011) (Amended, effective July 1, 2012) Amended, effective July 1, 2013) (Amended, effective January 1, 2014) (Amended, effective January 1, 2023)

#### Rule 5.7.1 Tentative Rulings for Requests for Orders, Orders to Show Cause, and Notices of Motion

(Adopted, effective July 1, 2018) (REPEALED, effective July 1, 2023)

#### Rule 5.8 Trial Setting, Status Conference, and Mandatory Settlement Conference Rules

A. Purpose: The purposes of these rules are to: ensure that contested Family Law matters are thoroughly prepared and expeditiously processed; foster the informal exchange of information and cooperation between counsel and parties; avoid using the trial itself as a vehicle for what should be pre-trial discovery and settlement procedures; and encourage the consideration and use of appropriate dispute resolution options.



B. Trials – Please refer to Rule 5.393 of the California Rules of Court.

C. Status Conference:

1. Date set upon filing: Except as set forth in paragraph 2 below, every case for dissolution of marriage, nullity, or legal separation filed after the effective date of this rule will be assigned a Status Conference with the assigned judicial department on a date and time to be provided by the court upon filing of a Response. The Conference will be set in the assigned department approximately 120 days from the filing of the Response unless counsel or self-represented parties request that the Status Conference be held earlier, a judgment has been entered, or a dismissal has been filed. The court will serve a copy of the Notice of Assignment and Status Conference on the parties when the Conference is set.

2. If the parties to a case for dissolution of marriage, nullity, or legal separation elect to resolve their matter using the collaborative law process (also referred to as collaborative practice) or mediation, then they may defer the setting of a Status Conference provided they file a Stipulation and Order to Defer Setting of Status Conference (see Local Court form FL-13). Thereafter, if upon termination of the collaborative law process or mediation, either party wishes to set a Status Conference, s/he shall do so by filing a Request to Set Status Conference (see Local Court form FL-14).

3. On request of either party or on the Court’s own motion, the court may set any other matter for a Status Conference.

4. Required Statement: At least 5 days prior to the initial Status Conference the parties shall file with the court and serve on all other parties a completed Status Conference Statement (see Local Court form FL-03) a copy of which is available at the clerk’s office or through the court’s website:www.sanmateocourt.org. The parties may elect to file a jointly prepared Status Conference Statement.

5. Participation at Conference: Unless otherwise excused by the court, counsel for each party and each self-represented party appearing in the action shall attend the Status Conference, shall have filed the required statement and shall be familiar with the case and be fully prepared to discuss all matters raised by the pleadings including a timetable for resolution which may include those actions described below in subdivision 5. The court may, after reviewing the timely filed Status Conference Statement determine that appearances at the conference is not necessary. If such appearance is not required, the court will notify counsel and any self-represented parties that no appearance is required.

6. Actions and orders: At the Status Conference, provided that the parties have stipulated and when legally required, the court shall take appropriate action and make orders consistent with the policy of prompt case resolution. Such actions may include but are not limited to the following:

- a. Set the case for trial and/or mandatory settlement conference;
- b. Schedule the case for a further status conference;
- c. Bifurcate issues for trial;
- d. Consolidate cases;
- e. Set or reset the hearing of law and motions matters;
- f. Set a date for the exchange of Declaration of Disclosure information;
- g. Limit, schedule, or expedite discovery matters;
- h. Set a date for the exchange of expert witness information;
- i. Refer the case for mediation, arbitration or another ADR method;
- j. Require filing of preliminary stipulations where the issues can be narrowed;
- k. Dismiss the action in whole or in part;

- l. Impose sanctions;
- m. Refer the parties to local family law resources or ancillary services;
- n. Order counsel or parties to engage in and report back on meet and confer discussions;
- o. Review case management options under Family Code section 2451 with counsel and self-represented parties;
- p. Appoint an expert, referee or special master and allocate expenses or set a hearing thereon;
- q. Refer to Family Court Services for child custody recommending counseling;
- r. Appoint a Special Master pursuant to Code of Civil Procedure section 639 and California Rules of Court, Rules 3.900-3.910;
- s. Appoint counsel for a minor;
- t. Order an evaluation pursuant to Family Code section 3111 or by a psychologist under Evidence Code section 730;
- u. Any other orders the court deems appropriate for the expeditious resolution of the case.

7. Continuances: Each party may request one continuance from the assigned department at least 15 calendar days prior to the scheduled conference date. Additional continuances may be requested for good cause. Good cause may consist of, but is not limited to, a showing that significant progress has been made toward a resolution of the case through settlement, mediation, collaborative law, and/or reconciliation. Both counsel and parties must agree that the status conference should be continued.

8. Sanctions: Upon notice and opportunity to be heard, the court may impose sanctions if a Status Conference Statement is not timely filed and served, a Status Conference Statement is not fully completed, a party or his/her attorney fails to appear, an attorney or self-represented party is not fully prepared to discuss the case or lacks the authority to discuss and resolve any issues that arise at the conference including but not limited to discovery matters and the setting of subsequent court dates.

9. The matter may not be set for trial until the judicial officer conducting the Status Conference deems the matter ready for a Mandatory Settlement Conference and/or trial.

10. Judges Pro Tem: Experienced family law attorneys may be assigned as judges pro tem to assist the parties and counsel in reaching a settlement. (It is not necessary for a party to stipulate to a judge pro tem at settlement conferences unless there is a request for stipulations to be placed on the record.) Parties are required to participate in meaningful settlement discussions and attempt to resolve as many trial issues as possible. The supervising judge and any judge or commissioner not otherwise engaged may be available for additional assistance, including making orders for sanctions requested by either party.

#### D. Mandatory Settlement Conferences (MSC)

1. Calendaring: No long cause case will be tried until the parties participate in a Mandatory Settlement Conference (“MSC”). A Mandatory Settlement Conference is available on short cause matters by stipulation and court order. The date for the MSC will be set at the final status conference by the clerk of the assigned department. Additional Mandatory Settlement Conferences may be held on the joint request of the parties or on order of the Court.

Counsel shall call the clerk of the assigned department at least 5 court days in advance of the MSC to confirm that the MSC will go forward or to request a continuance. An MSC will only be continued for good cause. No continuances shall be granted on the day of the scheduled conference. Failure to comply will result in monetary sanctions.

2. **Meet and Confer Requirement:** Counsel shall meet and confer either in person or by telephone at least seven (7) court days before the day of the MSC to resolve as many issues as possible and to specify those matters to be litigated. Results of the conference shall be included in the Mandatory Settlement Conference Statement. Failure to comply with these requirements shall subject offending counsel to monetary sanctions.

3. **Mandatory Settlement Conference (MSC) Statement:** Both parties shall prepare a Mandatory Settlement Conference Statement and, if support or fees are at issue, a current income and expense declaration, and shall serve a copy of each on opposing counsel and the assigned judge in such a manner as to assure they are received no later than 12 noon 5 court days prior to the MSC. (If that falls on a Monday, which is a court holiday, then the preceding Friday is viewed as the appropriate date.) Both parties shall state with specificity their good faith proposal for the disposition of each contested issue. Counsel should adhere to the format set forth in the “Mandatory Settlement Conference Statement Format” (see Appendix 1). A settlement brief may be attached. Copies of the following documents shall be brought to the MSC if an unresolved issue requires their production (these documents are not to be attached to the Mandatory Settlement Conference Statement):

- a. All real and personal property appraisals and pension plan evaluations. If no written demand to cross-examine the appraiser is made within ten (10) days after the Mandatory Settlement Conference, or five (5) court days prior to trial, whichever occurs first, the appraisal shall be deemed to have been stipulated as admissible in evidence without a foundation and without the appearance of the appraiser.
- b. If a party proposes an immediate award of the full community interest of a pension plan, then that party must obtain an actuarial or other appropriate and relevant valuation of the plan. The valuation should be requested sufficiently in advance so that the written evaluation is available at the conference.
- c. Bank, credit union, savings account balances and statements of balances of other liquid accounts, as of the date of separation and relevant dates thereafter.
- d. Promissory notes, deeds, and other documents of title or major debt, bills from creditors, and negotiated bank checks.
- e. An itemization of all furniture, furnishings, appliances, utensils, and all other personal property with the party’s best estimate of value of each item, unless the parties previously have agreed to some division of these items, or unless an appraisal of these items is included.
- f. A statement from the carrier of the cash value of a whole life insurance policy.
- g. Copies of the relevant blue book pages for all vehicles whose value is at issue.

4. **Attendance:** Absent a court order allowing a party to appear telephonically, both parties and their counsel of record must personally attend the MSC and be prepared to conduct a meaningful settlement conference. Each attorney attending the MSC shall have a thorough knowledge of the evidence and shall be prepared to discuss the facts and law pertaining to all issues then pending and to be resolved at trial.

5. **Sanctions:** The trial judge may consider the reasonableness of each party’s prior settlement position in awarding attorney’s fees and costs pursuant to Family Code §271. Failure to appear or participate in the MSC or to comply with the exchange of information as required by these Rules will result in sanctions.

6. **Setting for Trial:** Cases shall be set for trial according to Local Rule 5.8 (E) and (F) at the conclusion of the conference where settlement was not reached on all issues.

E. Short Cause Trials

1. Short cause trials are any evidentiary hearings of up to 2.5 hours including time for the judge to review the file, read the trial briefs, conduct chambers conferences and issue a ruling. Cases may be assigned to a department's Short Cause trial calendar by court order from the law and motion calendar or at the conclusion of a status or settlement conference that did not fully resolve all pending issues. A trial date will not be set except by the assigned department after determination is made that subsequent conferences would not settle the case. Cases that exceed the estimated time for hearing may be mis-tried by the trial judge and set for a status or Mandatory Settlement conference with a revised time estimate, continued, or dismissed from the trial calendar
2. Continuances: One stipulated continuance of a short cause trial may be granted by phone with 24 hours' notice, or in open court. No more than one continuance shall be granted without court order and for good cause shown. If a case is not ready to proceed to hearing on the date established as a result of the continuance, the court shall, absent good cause shown, take the matter off calendar.
3. Occasionally, temporary judges will be available to hear short cause cases when the assigned judicial officer is absent. These temporary judges will be experienced family law attorneys who have been approved by the supervising judge of the Family Law Department and/or the presiding judge. If a case is assigned to a temporary judge, litigants will be asked by the clerk in the assigned trial department to sign a stipulation consenting to that temporary judge. If consent to a temporary judge is not obtained, the case shall be referred to the Supervising Family Law Judge for assignment that day to an available judicial officer or continued to a convenient date on another calendar.
4. Counsel shall meet and confer either in person or by telephone at least 7 calendar days before the day of the trial to resolve as many issues as possible and to specify those matters to be litigated. Failure to comply with these requirements shall subject offending counsel to monetary sanctions.
5. If custody or visitation is in issue at the time of the trial, the parties shall meet with Family Court Services before trial. The meeting shall be scheduled sufficiently in advance of the trial to allow time for the counselor to prepare and file a recommendation, at least 5 calendar days before the scheduled trial date.
6. Mandatory Short Cause Statements (see Local Court Form FL-12): Counsel shall prepare a short cause trial statement and, if financial matters are at issue, an income and expense declaration. Completion and filing of a Mandatory Settlement Conference statement shall satisfy the requirements of this section. The originals of these documents and income and expense declaration shall be filed with the family law clerk's office and copies served on the opposing party not later than 5 calendar days before the Mandatory Settlement Conference or trial date whichever comes first. Failure to timely serve and file the trial statement shall subject the offending counsel to sanctions.
7. Memorandum of Points and Authorities: When a case involves complex or novel points of law or the California Rules of Court require it, the parties shall file legal points and authorities along with their short cause trial statement.

F. Long Cause Trials

1. A long cause trial is defined as any trial estimated to require more than 2.5 hours (Rule 5.393 of the California Rules of Court).
2. Trial Setting: A trial date will not be set except by the assigned department after the Mandatory Settlement Conference has occurred and a determination made that no further settlement conferences will settle the case. The trial date will be set a reasonable time after the last settlement conference.

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3. Continuances: Trials may only be continued by the supervising judge or assigned trial judge. Normally continuances are only granted in extraordinary circumstances (which do not include a change of counsel).

4. Trial Preparation: The rules governing trial preparation are set forth in the “Long Cause Trial Rules Checklist” (see Appendix “2”).

5. Trial Briefs: Trial briefs are required. If a case involves complex or novel points of law or otherwise required by California Rules of Court, the trial brief shall include legal points and authorities. The format of the trial brief is left to each attorney’s discretion. Trial briefs shall be exchanged as set forth in Appendix “2” (See Rule 5.394 of the California Rules of Court).

(Adopted, effective January 1, 2004) (Amended, effective January 1, 2005)  
(Amended, effective July 1, 2005) (Amended, effective January 1, 2007)  
(Amended, effective January 1, 2008) (Amended, effective January 1, 2009)  
(Amended, effective January 1, 2010) (Amended, effective July 1, 2012) (Amended, effective July 1, 2013)(Amended, effective January 1, 2016) (Amended, effective July 1, 2023)

### Rule 5.9 Long Cause Trials

( Adopted, effective January 1, 2000)(Repealed and incorporated into New Rule 5.8, effective January 1, 2004)

### Rule 5.9 Judgment by Default or Uncontested Hearing

Please refer to Rules 5.401 through 5.415 of the California Rules of Court.

(Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.13), and Amended, effective January 1, 2004)(Amended, effective July 1, 2013)

### Rule 5.10 Family Support Division Matters

( Adopted, effective January 1, 2000)( Renumbered as Rule 5.12 and Amended, effective January 1, 2004)

### Rule 5.10 Preparation of Orders After Hearing and Judgments

A. For orders after hearing, reference Rule 5.125 of the California Rules of Court and note paragraph B. below. For judgments, reference Rules 3.1590(h) – (l), 5.260, and 5.401 of the California Rules of Court.

B. The party preparing the order or judgment shall ensure that at least two lines of text appear on the page upon which the judge’s signature is affixed. No text may appear after the judge’s signature.

( Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.14) and amended, effective January 1, 2004)  
(Amended, effective July 1, 2013) (Amended, effective January 1, 2015)

### Rule 5.11 Family Court Services

(Adopted, effective January 1, 2000) (Renumbered as Rule 5.13, effective January 1, 2004)

### Rule 5.11 Declarations of Disclosure and Financial Information to be Provided

A. Declarations of Disclosure: All preliminary declarations of disclosure (“DOD”) shall be prepared and served in compliance with Family Code §§ 2103 and 2104.

All final DOD's shall be prepared and served in compliance with Family Code §2105, unless mutually waived in compliance with Family Code §2105(d).

Pursuant to Family Code § 2106, absent good cause, no judgment regarding the parties' property rights shall be entered without each party executing and serving their respective DOD and filing their respective proof of service of the DOD. "Good cause" may be established by a declaration signed under penalty of perjury, stating sufficient supporting facts or at a court hearing.

**B. Financial Information:** The following rules apply to all Family Law proceedings where any financial matter is at issue, including any request for child support, spousal support, family support, or attorneys fees and/or costs. The parties must completely disclose all relevant financial information to each other and the court whenever a financial matter is at issue.

1. **Completed Income and Expense Declaration:** A case may not be heard unless current Income and Expense Declarations have been completed by each side, filed with the court, and served on the opposing party. An Income and Expense Declaration is current if it is executed within 60 days of the hearing. If a previously filed Income and Expense Declaration is claimed to be current, a copy must be attached to the moving or responding papers. However, in no event will an Income and Expense Declaration executed more than 6 months prior to the hearing be sufficient. All applicable blanks on the form must be completed (notations such as "not applicable," "none," "estimated," or "unknown" should be used where appropriate. Supplemental, updated, or responsive Income and Expense Declarations shall be served at least five court days before the hearing. The court may impose sanctions as permitted by law, or dismiss the matter, if delay results from the failure of either party to comply with these requirements.

2. The Income and Expense Declarations shall be deemed to be received in evidence at the hearing, subject to amendment and cross-examination. Examinations on matters covered by the Income and Expense Declaration will be heard only under exceptional circumstances within the court's discretion and normally will be limited to testimony regarding unusual items not adequately explained in the Declaration itself.

3. **Required Supplemental Information:**

- a. Wage earners must attach three most recent pay stubs for all jobs and their most recent W-2 and/or 1099 forms to all Income and Expense Declarations.
- b. If self-employed, a party must provide a profit and loss statement, financial statement or other schedule reflecting all compensation received by that party for the year to date and for the prior year. All gross self-employment income and all business expenses must clearly be identified and itemized.
- c. Rental income received by a party (including from roommates) must be disclosed in a summary document reflecting all rental receipts, deposits, reimbursements, and expenses for the current year to date and for the prior year.
- d. If a party is unemployed, a declaration must describe previous employment, gross and net income derived there from, reasons for termination of employment and the current efforts undertaken by the party to seek work.
- e. If there are other income producing household members, a declaration must specify: their income(s), the household member(s) relationship to the party, their contribution(s) to household expenses, and any financial arrangement between the party and that household member(s).
- f. If the other party's income is unknown, a declaration must include the following information if known: prior employment history including employer's name, position(s) held, duration of employment, earnings, and reason for termination of

employment; educational background and degrees; licenses held; age; health; and any other supported children.

- g. If a party is disabled, that party should submit documentation of and a declaration including the following information: nature of the disability and how long it is expected to continue; type of disability benefits received; monthly amount of benefits received; duration of benefits received; whether or not the disabled party has applied for benefits for a child.
- h. If a party is receiving retirement benefits, that party must submit documentation of and a declaration that specifies the type of retirement benefit(s) received and the amount being received from each benefit.
- i. If a party is incarcerated this fact must be disclosed on a declaration including the place of incarceration and the expected date of release, if known.
- j. The section on attorney's fees and costs must be full completed including the hourly rate, even if attorney's fees have not been requested, along with the amount of fees and costs paid to date and fees and costs outstanding.
- k. If a party has or will receive bonuses, a schedule of bonuses, setting forth the amount and date of the most recent bonus, the date on which the next bonus is expected to be received, and the amount of the next bonus (if known) must be provided.
- l. If a party receives overtime, a declaration must include a statement of overtime and a description of the frequency of overtime if the receipt varies.
- m. When requesting add-ons to child support, the moving party must specify the actual amount of each add-on expense that is being requested (if known) and documentary proof that the expense is being incurred.
- n. A party receiving public assistance benefits shall disclose that fact, including the appropriate aid and/or Department of Child Support Services identification or file number, in the appropriate section of the Income and Expense Declaration.

4. Tax returns and forms: When child, spousal, or family support has been requested a party may require the opposing party to provide income tax return forms and schedules pursuant to Family Code §3552. The request should be made no later than 5 court days prior to the hearing and the documents produced no later than 2 court days prior to the hearing. The type of income and documents that may be requested are:

- a. Salaried or hourly employees: a copy of the party's W-2 form for the prior year.
- b. Self-employment or independent contractor income: a copy of the Schedule C and all depreciation schedules of that party's IRS 1040 or 1040A forms from the most recent federal income tax return filed.
- c. An owner or owner/employee of a corporation: copies of the Schedule 1120 and 1125 and all depreciation schedule of that party's IRS 1040 or 1040A forms from the most recent federal income tax return filed.
- d. An individual with income derived from a partnership: the K-1 most recent statement(s) and IRS form 1065 for each partnership from the most recent federal income tax return filed.
- e. The recipient of rental income: copies of the Schedule E form attached to that party's IRS 1040 or 1040A form and all depreciation schedules from the most recent federal income tax return filed.
- f. The recipient of dividend of interest income: copies of all 1099 forms for the prior year and a copy of Schedule B of that party's IRS 1040 or 1040A form from the most recent federal income tax return filed.

C. Child Support Proceedings: all stipulations regarding child support shall include a support calculation such as DissoMaster or SupportTax printout.

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1. If the stipulated amount falls below guideline as set forth in the attached calculation the following language must be included, except where either of the parties or children is receiving public assistance:
  - a. The parties are fully informed of their rights concerning child support;
  - b. The order is being agreed to without coercion or duress;
  - c. The agreement is in the best interest of the child(ren);
  - d. The needs of the child(ren) will be adequately met by the stipulated amount; and
  - e. The right to support has not been assigned to any county pursuant to Welfare and Institutions Code §11477 and no public assistance application is pending.
2. If the stipulated amount is above guideline, language must be included that the parties understand that a change of circumstances is required to modify the amount downward, unless the stipulated amount indicates a change of circumstance is not required.

( Adopted January 1, 2000) (Renumbered (formerly Rule 5.7, and Amended, effective January 1, 2004)

Rule 5.12 Appointment of Counsel for Child

(Adopted, effective January 1,2000) (Renumbered as Rule 5.14, amended, effective January 1, 2004)

Rule 5.12 Department of Child Support Services

- A. All matters involving the Department of Child Support Services shall be heard and set on the Child Support Services (DCSS) calendar. All domestic relations matters involving the Department of Child Support Services shall be heard at the Hall of Justice, 400 County Center, Redwood City unless the Department has provided a written waiver.
- B. The DCSS calendars are set at either 9:00 a.m. or 2:00 p.m. Parties are required to meet and confer with representative(s) at the Department of Child Support Services office, 555 County Center, 2<sup>nd</sup> Floor, Redwood City, no later than one (1) hour prior to the calendar call, unless otherwise ordered by the Court. A party making a telephone appearance may meet and confer with DCSS telephonically.
- C. When the County of San Mateo is providing public assistance benefits to a custodial parent pursuant to Welfare and Institutions Code §11477, the San Mateo County Department of Child Support Services is an indispensable party to any action involving child support. The party seeking establishment, modification or enforcement of a child support order shall give the Child Support Agency written notice as required by case law. [See In re Marriage of Mena (1989) 212 Cal. App. Ed 12 and In re Marriage of Lugo (1985) 170 Cal. App. 3d 427.] Upon a showing that adequate notice was given to the Child Support Agency, the action may be heard despite the absence of a representative from the Child Support Agency's office.
- D. All orders involving the Department of Child Support Services shall include the following provisions:
  1. All payments shall be made by wage assignment payable to the California State Disbursement Unit, P.O. Box 989067, West Sacramento, CA 95798-9067;
  2. The Payor must provide the Department of Child Support Services with their date of birth, social security number, income information, employer's name, employer's address, and residential address.
  3. The Payor must notify the Department of Child Support Services in writing with 48 hours of any change of address, income or employment.
  4. The Payor shall provide health insurance for the child/children in the action, if available at no or reasonable cost through their employment.



5. The Payor shall provide documentation showing proof of health insurance coverage to the Department of Child Support Services within 48 hours.
- E. The parties may use the Department of Child Support Services case number to litigate issues of child custody and visitation.

(Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.10) and amended, effective January 1, 2004) (Amended, effective January 1, 2013)

Rule 5.13 Family Court Services

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.

B. **Location of Family Court Services**

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.

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 *notifying* the moving party of the time and date for the meeting. (Providing the requested relief is available pursuant to Family Code section 213).

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:

- 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 needs to request an accommodation, 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.

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.

5. **Submitting Information Sheet to Family Court Services:** At or before the appointment with FCS, each party must submit a completed Information Sheet. Blank Information Sheets may be obtained at [www.sanmateocourt.org/forms\\_and\\_filing](http://www.sanmateocourt.org/forms_and_filing). If a party is appearing by telephone, an Information Sheet may be obtained online and the completed form must be received by FCS prior to

the appointment. Filed-endorsed moving papers, responsive papers, and/or declarations signed under penalty of perjury which have not yet been scanned by the clerk's office may be provided to FCS at the time of the appointment by the parties or their attorney. Absent a court order to the contrary, FCS will not accept these documents unless they have been served on the opposing party or their attorney. FCS may request and review further documents submitted by either party if the counselor, at the counselor's sole discretion, determines them relevant.

6. Remote Appointments: Family Court Services has the discretion to set remote video, telephone, or in-person appointments in accordance with departmental policies. It is the responsibility of each party not appearing in person to join the remote video session and/or place the telephone call to FCS at the time of the appointment (i.e., FCS does not call the parties).

7. Initial Meeting: The assignment of child custody recommending counselors is an administrative function of Family Court Services. Cases are equitably distributed amongst staff on a rotational basis according to availability, except by specific order of the court. Other than a statutorily authorized support person, only parents shall attend the appointment, unless requested by the court or FCS counselor. The parties' attorneys do not participate in the session. If the recommending counselor wants to interview the child(ren), or other relevant persons, the counselor will arrange for such interviews after the initial meeting.

8. Subsequent Appointments: Unless a review appointment is requested by the Court or the recommending counselor, parties may not set an appointment with Family Court Services sooner than twelve (12) months after their last session. In general, it is the policy of Family Court Services to assign the parties the same counselor in order to provide for continuity of services.

9. Complaints and Requests to Change Counselors (pursuant to Family Code 3163):
- a) All requests for a change of recommending counselor and/or formal complaints shall be in writing. The Client Comment Policy and Complaint Form is available online at [www.sanmateocourt.org/forms\\_and\\_filing](http://www.sanmateocourt.org/forms_and_filing) or by contacting the Family Court Services office at (650) 261-5080.
  - b) Comments about the FCS process, complaints, and/or requests to change counselors shall be directed to the Manager of Family Court Services and should be made at the earliest possible time after the appointment, but in no event later than 10 calendar days after the report.
  - c) A peremptory challenge of a counselor is not allowed.
  - d) No change of counselor requests will be granted unless there is substantial showing that the counselor is biased or prejudiced against one of the parties or is unable to render a fair and impartial recommendation.
  - e) A courtesy copy of the Complaint Form shall be provided to the other parent by Family Court Services. The other parent may submit a written response.
  - f) The Manager shall review the request and shall advise the parties of the decision in writing. The Manager's decision is final.

10. Meeting separately: If there is a restraining order, the parties will be seen separately during the same session. A party who alleges under penalty of perjury that they have been a victim of domestic violence may request to meet separately even though there is no current restraining order. Protected parties or parties who allege domestic violence may have a support person in the session. The support person must be at least 18 years of age and cannot be the attorney of record for either party. The

support person must sign a FCS form agreeing to keep the session confidential. The support person is for emotional support and is not present to speak or offer comments during the session, nor to offer advice to the parent. If the support person is disruptive to the session, the counselor will exclude the support person.

11. **Involvement of a Child in the Process:** As part of the recommendation process, minors are occasionally interviewed by FCS. Parents should not bring children to appointments unless specifically requested by the recommending counselor or Court. In general, children are interviewed by the counselor without the parents present. Family Court Services does not provide the type of parent-child interaction/attachment assessment that is included in a private child custody evaluation. Beyond minor interviews with FCS, a child's participation in Family Court is governed by Family Code §3042 and related California Rules of Court, see Rule 5.250 of the California Rules of Court. As such, a counselor will inform the court if they have information indicating that a child in a pending matter wishes to address the court.

12. **Family Court Services Recommendation:** If the parties were unable during the mediation to reach an agreement the child custody recommending counselor will submit a written recommendation about the parenting plan and the reasons for the recommendation to the parties, their attorneys and the court. The court will consider the recommendation at the time of the hearing and will make a final determination about custody and visitation. A party has the right to cross-examine the counselor during the hearing. A subpoena is required to ensure attendance of the counselor, and fees shall be submitted in advance to Family Court Services in accordance with Government Code § 68097.2.

13. **Reports and Recommendations:** Reports received from FCS or other mental health professionals shall be maintained in the confidential portion of the civil file.

14. **Confidentiality of Reports:** Family Court Services Report to the Court shall be confidential and unavailable to any person except the court, the parties, their attorneys and any person to whom the court expressly grants access by written order made with prior notice to all parties. Except for the section of the report labeled "Recommendations" or "Agreements" the report should never be attached to any pleadings made part of the Court file. Minors should not have access to the report.

Anyone receiving the child custody recommending counselor's report shall not give copies of, or parts of the report to anyone who is not authorized by statute or the court. These reports usually contain sensitive information and shall not be used to cause unnecessary embarrassment or harm to the parties but shall be handled in a responsible, confidential manner for purposes limited to the litigation. The court reserves the right to impose appropriate sanctions upon any person who violates this rule.

Family Court Services proceedings shall be held in private and shall be confidential. All communications, verbal or written, from the parties to the child custody recommending counselor made in the proceeding are official information, and FCS staff will not release information about the case to any individual except as authorized by the Court or statute.

If any person subpoenas or otherwise attempts to obtain confidential case information, FCS staff will be deemed to have asserted the privilege for official information, and said information will not be provided without an order of the court.

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

1. Court appointed evaluators shall abide by the requirements of Rules 5.220 through 5.230 of the California Rules of Court.

2. No peremptory challenge to a Court appointed evaluator is allowed.
3. Evaluators may petition to withdraw from a case by submitting a request in writing to the court and mailing copies to the counsel for the parties. The request shall include the reason for the request and a status report on any action taken by the evaluator appointed to the case.
4. Grievance Procedure: A complaint regarding the performance of a Court appointed Child Custody Evaluator may be addressed to the appropriate professional licensing board and/or, in the case of a party, through a Request for Order and/or Motion before the judge making the appointment. The judge who made the appointment will determine the appropriate response to a complaint about the Evaluator's performance. The Court's decision concerning the removal or retention of a Court appointed Child Custody Evaluator is independent of any action taken by any applicable professional licensing board. If the Evaluator is listed on the court's resource list that include evaluators, the judge receiving the complaint may refer the matter to the Supervising Judge of the Family Law Division for further action concerning removal or retention of the Evaluator on the list.
5. Notwithstanding Rule 5.235 of the California Rules of Court, the evaluator may initiate an ex parte communication with the court to define the scope, process and methods of the evaluation when authorized by the order appointing the evaluator.
6. All child custody and visitation evaluations shall be ordered by the court and evaluators will be appointed under Evidence Code Section 730.
7. A copy of the appointment of the evaluator under Evidence Code Section 730 will be made available to the court assigned evaluator. A court ordered evaluation may be limited in scope to the issues identified by the court.
8. Any evaluation based on interviews with only one parent shall not include a recommendation regarding custody.
9. Payment of the Evaluation: The court will order payment of the evaluation at the time of the appointment.
10. Any court ordered child custody evaluation shall be submitted to the court and counselor for the parties not less than ten (10) days before the hearing or trial.

(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.) (Amended, effective July 1, 2021).

**Rule 5.14 Appointment of Counsel for Child**

- A. Reference Rules 5.240 through 5.242 of the California Rules of Court.
- B. Upon appointment of counsel for a child, the judge shall designate who shall contact the attorney and determine his or her availability. Once the attorney has agreed to accept the appointment, an order of appointment of counsel for minor shall be prepared, filed and served upon the appointed counsel, counsel for the parties or unrepresented parties. Should the appointed counsel be unavailable for any reason, this information shall be reported to the clerk of the judge making that appointment and another appointment shall be made.

C. No judicial officer shall appoint counsel for a minor and authorize the payment for services of said counsel to be made without the prior approval of the supervising judge of the Family Law Department.

D. Payment for Court appointed counsel services (Fam.C. sections 3150 & 3153, Rules 5.240 & 241 of the California Rules of Court(CRC) )

1. Payment by Party(ies). If the Court determines that the party(ies) has/have the ability to pay all or a portion of the appointed counsel's compensation, the Court must state the rate of compensation and the manner of payment as provided for in CRC, rule 5.241. Failure of the party(ies) to pay pursuant to the Order may result in legal action by the appointed counsel under CRC 5.241(c)(3).

2. Payment by the Court.

a. If the Court determines that the party(ies) is/are unable to pay all or a part of the appointed counsel's compensation or if counsel is appointed to represent a child under CRC 5.241(c)(2), the Court will compensate counsel for his/her services.

b. If during the course of the proceedings or after counsel is relieved as attorney of record the court may redetermine the party(ies) ability to pay for counsel's services (CRC 5.241(b)(3).

c. Court appointed counsel under this section must follow the Court's invoice processing procedures as set forth in Local Form FL-024 that is attached as an addendum to the Order Appointing Counsel.

d. All invoices for services shall be submitted immediately to the judicial officer appointed for your case or their designee, upon the conclusion of the billed for event, but in any case not less than on a quarterly basis (by January 6, April 6, July 5 or October 5, or the next court business day) for services performed during the previous quarter.

( Adopted, effective January 1, 2000) (Renumbered (formerly Rule 5.12) and amended, effective January 1, 2004)(Amended, effective July 1, 2013)

#### Rule 5.14.1 Complaint Procedure for Court Appointed Counsel

A. In a family law proceeding in which the Court has appointed counsel for minor children, any party or counsel or minor child may present a complaint about the performance of appointed counsel. The complaint must be in writing that must be delivered to the courtroom clerk for the Supervising Judge of the Family Law Court and is served on all counsel and self-represented parties in the action. The Supervising Judge of the Family Law Division shall respond to the complaint, either by setting the matter for hearing or by issuing a written response. In the event that the judicial officer, who appointed counsel to represent the minor, is the sitting Family Law Supervising Judge, the complaint will still be served as required herein but the matter will be referred to the Court's Presiding Judge for review.

B. The written complaint shall include the case name, number, the name of the judicial officer assigned to the case, and the name of the minor's counsel along with their address, phone number and State Bar number. The complaint shall be as specific as possible regarding the alleged inadequacies or behaviors which give rise to the complaint. A copy of the complaint must also be served on all counsel and self-represented parties.

C. The Family Law Supervising Judge shall have the discretion to investigate and respond to the complaint directly or set the matter for hearing.. The Court shall respond to the complaint within 60 days of receipt of the complaint. The Family Law Supervising Judge or Presiding Judge, when appropriate, will then take whatever steps he or she deems appropriate with respect to the complaint.

(Adopted, effective July 1, 2011)

Rule 5.15 Family Law Facilitator's Duties

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:

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;
2. Distributing necessary court forms and voluntary declarations of paternity;
3. Providing assistance in completing forms;
4. Preparing support schedules based upon statutory guidelines; and
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.

B. Provided that they have adequate staffing, time, funding and available resources, the Family Law Facilitator may:

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
2. Draft stipulations on any issues agreed to by the parties.
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;
4. Assist the clerk in maintaining records;
5. Prepare formal orders after hearing where both parties are self-represented.

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 or at 1050 Mission Road, South San Francisco, California prior to filing any 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.)

Rule 5.16 Coordination Of Court Proceedings And Sharing Of Case Information Involving Minors

A. Coordination and Determination of Forum.

It is the policy of the Superior Court to identify and coordinate proceedings involving the same minor which may be scheduled in multiple legal settings. It is further the policy of the Superior Court to coordinate the efforts of the different court divisions so that the minor's needs are served and the resources of the family and the court are not wasted. To these ends, the Superior Court and the agencies serving the court shall establish policies and procedures for the Human Services Agency's Department of Children & Family Services ("DCFS"), Family Court Services, ("FCS"), the Probate Court investigators ("PCI"), and, Juvenile Probation Officers ("JPO"), Victims of Violent Crimes Unit of the District Attorney's Office ("VC") and the Family Law Facilitators ("FLF"), to exchange information and to determine the most appropriate forum for the resolution of the issues relating to the minor. The Juvenile Mediation Program ("JMP") staff and/or mediators shall be an included recipient of such information when a minor and/or his/her family has been referred to the program.

B. Confidentiality of Minor's Information.

All recipients of information described in section A above shall respect its confidentiality and not disclose it to unauthorized third parties or use it for any purpose other than to determine the most appropriate forum or services for the minor and the minor's family. This protocol shall be read to be consistent with WIC §827 & §204, Pen. C. §11167.5, Family C. §3111, Probate C. §1514.5, Evidence C. § 1115-1126, WI C. §350, California Rules of Court Rule 5.518 and all other statutes governing confidentiality of information relating to reports of child abuse or neglect. In the event of any conflict over the interpretation of this protocol, the interpretation most consistent with the policy reflected in those statutory provisions shall prevail.

(Adopted, effective July 1, 2007) (Amended, effective July 1, 2012)

Rule 5.16.1 Information Sharing Protocol Between And Among The Court And Department Of Children & Family Court Services (DCFS), Family Court Services (FCS), Probate Court Investigators (PCI), Family Law Facilitator (FLF), District Attorney's Violent Crime Unit (VC), And Juvenile Probation Officers (JPO) Staff.

A. Each agency staff person may orally, or in writing, disclose to each of the other respective agency staff, the following information:

1. Whether a child or his/her parents or caretaker(s) are or have been the subject of a child abuse, neglect, probate, criminal or delinquency investigation, regardless of whether or not that investigation resulted in a petition being filed. The findings and status of that investigation, the recommendations made or anticipated to be made by the respective agency, regardless of whether or not that investigation resulted in a petition being filed. The progress of the proceedings while under court supervision including compliance with court orders, and a copy of any court order in existence as well as probation conditions with respect to the child, parent(s) or caretaker(s).
2. Any statement made by the child or the child's parents, guardians or caretakers which might bear upon on the issue of the best interest of that child, or a sibling or half-sibling living with or visiting with that child, who is involved in a pending Family, or Probate Court matter. Any statement made by the child or the child's parents, guardians or caretakers which might bear upon the issue of the child's dependency or delinquency or any disposition in the dependency or delinquency proceedings.

- B. Any information received in under Section “A” above shall be kept in the confidential portion of the Family Court Services case file.
- C. Exchange of Documents.
1. The respective agencies may provide written documents to each other, unless otherwise restricted under Family Code §3025.5. The documents may include, but are not limited to, relevant portions of investigation notes, progress notes and summaries, information regarding the health status of the minor, any documentation relative to paternity and court reports containing information described in “A.1” and “A.2” above.
  2. Child abuse and neglect reports described by Penal Code Section 11167.5 (Suspected Child Abuse Report form #S-8572), information disclosing the identity of a reporting party, or court-ordered psychological evaluations will not be exchanged between the agencies absent a court order.
  3. Copies of Department of Children Family Services (DCFS) or Juvenile Probation Office (JPO) documents, used by Family Court Services(FCS), or Probate Court Investigator (PCI) shall not be attached to their respective court reports and shall not be made available to the public without a juvenile court order.
- D. Designation of Staff for Information Access. FCS and PCI will designate an appropriate staff person to maintain a current list of FCS counselors, facilitators and probate investigators who are authorized to receive information exchanged under this Rule, and periodically distribute this list to DCFS, VC and JPO or whenever there is any change in the make up of those lists.
- E. Family Law Facilitator Information Access Limitation. For purposes of this Rule, the only information that may be disclosed to FLF is whether or not a case is pending in the juvenile court regarding a particular minor, if that case has been terminated, and the information contained in the exit orders.
- F. Information Access by Juvenile Mediation Program. For purposes of this Rule, Juvenile Mediation Program (“JMP”) staff and/or mediators shall be an included recipient of the information set forth above in paragraphs A.1, A.2 and C whenever a minor and/or his/her family has been referred to the program.  
(Adopted, effective July 1, 2007) (Amended, effective January 1, 2008) (Amended, effective July 1, 2012)

Rule 5.16.2 Juvenile Dependency Action Causing Suspension Of Related Proceedings

If a petition pursuant to WIC § 300 is filed in the Juvenile Court, all custody and visitation proceedings in the Family Court, and all guardianship proceedings in the Probate Court, are suspended. Thereafter, consistent with WIC §304, custody and visitation shall be determined by the Juvenile Court until the juvenile case is dismissed. The Child Welfare Worker shall advise the Juvenile Court of the pendency of any Family Court matter, including case number and department, and the Juvenile Court shall advise the Family Court and the Probate Court of the suspension of its jurisdiction by issuing a notice in a form agreed upon by those courts.

(Adopted, effective July 1, 2007)

Rule 5.16.3 Juvenile Court Modification Of Related Non-Juvenile Court Orders

Any restraining order, stay away order or no contact order issued by any non-juvenile division of the Superior Court, other than a criminal court, against a parent or caregiver with respect to a child under the jurisdiction of the Juvenile Court, may be temporarily modified by the Juvenile Court if the Juvenile



Court finds such contact to be in the best interest of the child. Permanent modification of the order may occur after all parties have been noticed and provided an opportunity to be heard. Notice of any temporary or permanent modification shall be given by the Juvenile Court to the court originally issuing the order by providing a copy of the minute order to the originating court. The Juvenile Court's order shall specifically state that it is a modification of the other court division's order.

(Adopted, effective July 1, 2007)

Rule 5.16.4 Juvenile Court Exit Orders

Any exit orders of the Juvenile Court determining custody, visitation or restraining contact over a child who is a dependent or a ward of the court shall be filed in any existing family law, probate or criminal proceeding involving the child and his/her parent or caregiver. If no such file exists in the family law division, then upon the dismissal of dependency or termination of wardship, the Juvenile Court order shall be the basis to open a file. No filing fee shall be required for opening this file.

(Adopted, effective July 1, 2007)

Rule 5.16.5 Family Court Modification Of Juvenile Court Orders

Juvenile court orders establishing custody, visitation, or restraining orders may be modified by petition to the Family Court subsequent to the dismissal of dependency or termination of wardship over a minor. Proceedings to modify or terminate guardianship established through Juvenile Court shall be heard in the Juvenile Court, as required by WIC §366.3(b).

(Adopted, effective July 1, 2007)

Rule 5.16.6 Use of Confidential Juvenile Case Files or Child Welfare Agency Records in Family Court Matters

All documents obtained from any juvenile case file or from any child welfare agency must be treated as confidential by all parties and attorneys pursuant to WIC 827, 827.10, and Cal. Rules, Rule 5.552. Any party who seeks to file with or present to the Family Court any juvenile case file or child welfare agency document or record must first present a request to file such documents under seal pursuant to Cal. Rules, Rules 2.550 and 2.551. Any pleading filed with the Family Court which attaches, recites or quotes any juvenile case file or child welfare agency record without a prior request and order to file under seal will be stricken from the Family Court file.

(Adopted, effective July 1, 2023)

Rule 5.17 Court Ordered Supervised Visitation

1. All person supervising visitation are required to meet the standards outlined in CRC 5.20, including appropriate background checks. To ensure that these standards are met, supervisors are required to file a declaration regarding their qualification as follows.

a. Non-professional visitation supervisors are required to file the Declaration of Supervised Visitation Provider (Nonprofessional) (form FL-324(NP)) prior to serving as a visitation supervisor.

b. Professional visitation providers are required to file Declaration of Supervised Visitation Provider (Professional) (form FL-324(P)), in each case prior to serving as a visitation supervisor for those parties. This form must also be refiled with any reports filed under CRC 5.20(j)(3).

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2. Filed forms FL-324(P) and FL-324(NP) shall be confidential and unavailable to any person except the court, the parties, their attorneys and any person to who the court expressly grants access by written order made with prior notice to all parties.

3. Visitation supervisors are encouraged to review the materials available at <https://www.courts.ca.gov/cfcc-accesstovisitation.htm> regarding the role and duties of a supervisor.

(Adopted, effective July 1, 2021).

## APPENDIX "1"

### MANDATORY SETTLEMENT CONFERENCE STATEMENT FORMAT

- I. Background: The Mandatory Settlement Conference Statement shall include the following:
- A. A brief statement of facts: If the parties are married, include the date of marriage, date of separation, whether marital status has been terminated, the age and employment status of each party. If the parties have minor children, specify and the name and age of each minor child and where they reside.
  - B. History of the Proceedings: Summarize prior court proceedings and any temporary orders or stipulations that are in effect;
  - C. Discovery: Provide the date that the Preliminary Declarations of Disclosure were exchanged; the date that the Final Declaration of Disclosure was provided or whether there was a stipulation to waive; and detail any discovery that remains outstanding.
- II. Issues for Trial:
- The Mandatory Settlement Conference Statement should include a discussion of the issue(s) remaining for trial. When applicable, a concise statement for each issue known to be in dispute containing all material facts and relevant law should be provided in the order listed below. If not applicable, counsel shall so designate or use "N/A."
- (A) Separate Property: List of each item of separate property, and include the following information: i) the date it was acquired; ii) the basis upon which it is claimed as separate rather than community property; iii) the current market value; iv) the nature, extent and terms of payment of any encumbrance against the property; and, v) the manner in which title thereto is presently vested.
  - (B) Community Property: List of each item of community property, and include the following information: i) the date it was acquired; ii) the basis upon which it is claimed as community property; iii) the current market value; iv) the nature, extent and terms of payment of any encumbrance against the property; and, v) the manner in which title thereto is presently vested.
  - (C) Funds Held by Others: To the extent that either separate property or community property consists of funds held by others, such as insurance policies, pensions, profit sharing, or other trust or retirement funds the statement shall fully identify the policy or fund, and include the following information: i) policy, serial or account number; ii) the present values and basis for calculations; iii) all terms or conditions imposed upon withdrawal of such funds. If any loans exist against any of these funds, the details regarding those loans should be set forth.
  - (D) Tracing: If a segregation of community property and separate property interests in a single asset is to be an issue in the case, the statement shall set forth in detail, the dates, values and dollar amounts, the transactions relevant to the tracing issues as well as the basis for computation or proration.
  - (E) Current Obligations: Separately list all debts and obligations of the spouses that are liabilities of the community and, so far as known, debts and obligations that are alleged to be the separate liabilities of the respective spouses. Specify: i) the identity of the creditor; ii) the purpose for which the debt was incurred; iii) the date on which the debt was incurred; iv) the balance currently due; v) terms of payment; and, vi) the security, if any, held by creditor.

(F) Reimbursement: A summary of each party's claims for reimbursement or other charges (e.g. claims under In re Marriage of Epstein, In re Marriage of Watts, or In re Marriage of Jeffries) listing each claimed item by dates, payment amount, and payee.

(G) Current Income and Expenses: Specify and set forth current income and expenses by completing and filing or attaching a financial declaration in the form prescribed by Rule 1285.50 of the California Rules of Court. A previously filed income and expense declaration will not satisfy this rule, unless there has been no change from the most recently filed statement, in which case it shall be attached. Include any relevant attachments as set forth in Rule 5.11.

(H) Proposal for Property Division: Set forth a proposed equal division of community property of the parties. In columnar or accounting form, listing the following: i) fair market value of each asset; ii) Secured obligation(s) against each asset, if any; iii) Net value of each asset; iv) Proposed distribution to each spouse respectively; v) Balance due on each unsecured obligation, vi) Proposed distribution of each unsecured obligation; and vii) Proposed method of equalizing the division of community property.

(I) Conditions about Custody, Visitation and Support: Specify each party's contention as to child custody and visitation and as to the amount and duration of child and spousal support.

(J) Attorney's Fees: If there is a request for attorney's fees, include: i) the compensation agreement with the client; ii) a summary of all fees and costs incurred to date, including the number of hours spent by the attorney, paralegal, and other personnel; iii) the amount already paid; iv) the source of funds for payments; v) counsel's estimate of additional fees and costs to be incurred through trial; and vi) the amount sought to be paid by the adverse party.

**APPENDIX 2  
LONG CAUSE TRIAL RULES CHECKLIST**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number and address).	TELEPHONE AND FAX NOS.	FOR COURT USE ONLY
ATTORNEY FOR (Name):		
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN MATEO 400 Government Center Redwood City, CA 94063</b>		
In re the Marriage of PETITIONER(S)		
RESPONDENT(S)		
<b>LONG CAUSE TRIAL RULES CHECKLIST</b>		CASE NUMBER

**A. SEVEN COURT DAYS OR MORE BEFORE TRIAL**

1. Personally meet and confer with opposing counsel.
2. Exchange trial briefs
3. Where support or fees are at issue, exchange Income & Expense Declarations with required attachments.
4. Exchange list of exhibits (see Local Court form FL-CV-09A) and copies of exhibits.
5. Exchange list designating non-party witnesses (including name, address and telephone number) (see Local Court form FL-CV-11] and the subject matter each will testify to.

**B. FIVE COURT DAYS BEFORE TRIAL**

1. Confer with opposing counsel telephonically to discuss objections to the exhibits and in limine motions.
2. If objections to exhibits unresolved, or motion in limine to be filed, schedule appointment for pre-trial conference.
3. File with the court and serve in limine motions (see Local Court form FL-10]
4. Arrange with clerk to pre-mark exhibits and file original exhibits.
5. File trial brief, Income & Expense Declaration and court's copy of the exhibits in trial department.

**C. THREE COURT DAYS BEFORE TRIAL**

1. File with clerk of trial department and opposing counsel a written list of objections to the exhibits (see Local Court form FL-09].

**D. TWO COURT DAYS BEFORE TRIAL**

1. If there are unresolved objections to exhibits or if motions in limine were filed, confer personally with the court through the clerk.

**E. DAY OF TRIAL**

1. All objections to exhibits and motions in limine will be heard and a ruling will be issued.
2. Each counsel must pay the mandated statutory court reporter fee for each half day of trial.
3. At the conclusion of each day of trial, the court and counsel shall review the next days' witnesses, examination time and other calendaring issues.



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**DIVISION VI  
OTHER SPECIAL DEPARTMENTS AND CALENDARS**

**CHAPTER 1. UNCONTESTED CALENDAR**

Rule 6.1 Hearing in Uncontested Matters in the Department of the Presiding Judge

***REPEALED***

(Adopted, effective July 1, 1996) (Amended effective January 1, 2021) (***REPEALED effective January 1, 2024.***)

Rule 6.1.1 Attorney's Fees in Actions on Promissory Notes and Contracts Providing for Payment of Attorney's Fees

The following attorney's fees shall, under normal circumstances, be awarded in actions on promissory notes and contracts providing for the payment of attorney's fees.

- (a) Default action on note or contract:

[See Court Schedule of Attorney Fees on the following page]

- (b) Where prevailing party is entitled to the recovery of a reasonable attorney's fee in an otherwise appropriate clerk's judgment, the clerk shall include an attorney fee computed pursuant to the schedule referred to in subdivision (a) above.

(Adopted, effective July 1, 1996)

**COURT SCHEDULE OF ATTORNEY FEES**

\$	0	to	\$ 5,000	\$ 300 or 20% whichever is higher								
	5,001	to	5,250	1,035	11,251	to	11,500	1,550	17,251	to	17,500	1,670
	5,251	to	5,500	1,070	11,501	to	11,750	1,555	17,501	to	17,750	1,675
	5,501	to	5,750	1,105	11,751	to	12,000	1,560	17,751	to	18,000	1,680
	5,751	to	6,000	1,140	12,001	to	12,250	1,565	18,001	to	18,250	1,685
	6,001	to	6,250	1,170	12,251	to	12,500	1,570	18,251	to	18,500	1,690
	6,251	to	6,500	1,200	12,501	to	12,750	1,575	18,501	to	18,750	1,695
	6,501	to	6,750	1,230	12,751	to	13,000	1,580	18,751	to	19,000	1,700
	6,751	to	7,000	1,280	13,001	to	13,250	1,585	19,001	to	19,250	1,705
	7,001	to	7,250	1,285	13,251	to	13,500	1,590	19,251	to	19,500	1,710
	7,251	to	7,500	1,310	13,501	to	13,750	1,595	19,501	to	19,750	1,715
	7,501	to	7,750	1,335	13,751	to	14,000	1,600	19,751	to	20,000	1,720
	7,751	to	8,000	1,380	14,001	to	14,250	1,605	20,001	to	20,250	1,725
	8,001	to	8,250	1,380	14,251	to	14,500	1,610	20,251	to	20,500	1,730
	8,251	to	8,500	1,400	14,501	to	14,750	1,615	20,501	to	20,750	1,735
	8,501	to	8,750	1,420	14,751	to	15,000	1,620	20,751	to	21,000	1,740
	8,751	to	9,000	1,440	15,001	to	15,250	1,625	21,001	to	21,250	1,745
	9,001	to	9,250	1,455	15,251	to	15,500	1,630	21,251	to	21,500	1,750
	9,251	to	9,500	1,470	15,501	to	15,750	1,635	21,501	to	21,750	1,755
	9,501	to	9,750	1,485	15,751	to	16,000	1,640	21,751	to	22,000	1,760
	9,751	to	10,000	1,500	16,001	to	16,250	1,645	22,001	to	22,250	1,765
	10,001	to	10,250	1,510	16,251	to	16,500	1,650	22,251	to	22,500	1,770
	10,251	to	10,500	1,520	16,501	to	16,750	1,655	22,501	to	22,750	1,775
	10,501	to	10,750	1,530	16,751	to	17,000	1,660	22,751	to	23,000	1,780
	10,751	to	11,000	1,540	17,001	to	17,250	1,665				
	11,001	to	11,250	1,545	Over \$23,000 - \$1,780 plus 1 ½ % of the amount over \$23,000							



CHAPTER 2. JUVENILE DEPARTMENT

Rule 6.2 Hearings

Unless otherwise ordered, the proceedings of the Juvenile Department shall be held in the San Mateo County Juvenile Court at 222 Paul Scannell Drive , San Mateo, at such times as the Juvenile Court judge shall direct.

(Adopted, effective July 1, 1996)

Rule 6.3 Attorneys for Parties in Dependency Proceedings

(a) **[Timelines]** Attorneys for parties are expected to adhere to the statutory timelines for all hearings. Time waivers will be accepted and continuances granted only on a showing of exceptional circumstances.

(b) **[Experience, training, education; standards of representation]** Every party in a dependency proceeding who is represented by an attorney shall be entitled to competent counsel, as defined in California Rule of Court 5.660(b). The San Mateo County Private Defender Program shall be responsible for the establishment of procedures for qualification of attorneys for inclusion on the panel designated to represent parties. Minimum standards of experience, training and education shall conform to CRC 5.660 and shall be included in the qualification requirements. Standards of representation shall conform at a minimum to those set forth in CRC 5.660. A copy of the procedures and standards established by the Private Defender Program shall be lodged with the court and made available to juvenile court judicial officers.

(c) **[Appointment]** The court shall appoint the Private Defender Program to represent the parties as requested, and the Private Defender Program Managing Attorney shall designate the particular attorneys.

- (1) In exceptional circumstances the court may request that a particular attorney be appointed to represent a party.
- (2) The social worker shall notify the Private Defender Program juvenile office of the need for appointed counsel no later than 9:00 a.m. of the court day preceding the first hearing of the case.
- (3) The court may appoint the Private Defender Program at any time, and shall promptly notify the Private Defender Program juvenile office in writing.

(d) **[Client complaints]** Complaints or questions by a party regarding attorney representation shall be addressed as follows:

- (1) Complaints or questions shall initially be referred for review by the Managing Attorney of the Private Defender Program who shall take appropriate action if required.
- (2) If the issue remains unresolved, the party may submit the complaint or question to the court in writing. The court shall conduct its own review of the complaint or question and take appropriate action if required.

(e) **[Attorney for the child (W & IC 317)]** Counsel for the child in a dependency proceeding is charged with representation of the child's interests, including causes of action and other interests to be advanced or protected by administrative or judicial proceedings within or outside of the juvenile court system.

- (1) Absent exceptional circumstances, the attorney for the child shall have personal contact with the child regardless of the age of the child, and shall interview any child four years or older so the attorney can better represent to the court how the child's wishes and interests may best be addressed.

- (2) The attorney for the child shall investigate any interests of the child beyond the scope of the dependency proceeding and shall immediately advise the juvenile court of information regarding any interest or right of the child to be protected or pursued in other judicial or administrative forums.
  - (A) Judicial Council forms Juvenile dependency Petition (JV-100) and Modification Petition Attachment (JV-180) shall be utilized to inform the court and request direction from the court.
  - (B) Upon receipt of the request by counsel for instructions from the court, the court shall do one or all of the following:
    - (i) Refer the matter to the appropriate agency for further investigation and require a report to the court and counsel within a reasonable time;
    - (ii) Authorize and direct the child's attorney to initiate and pursue appropriate action;
    - (iii) Appoint a guardian ad litem for the child if one is required to initiate appropriate action; or
    - (iv) Take any other action to protect the interests and rights of the child.
- (3) If the court receives information from a person other than the attorney for the child regarding an interest or right of the child, the court shall appoint an attorney for the child if the child is unrepresented, inform that attorney or the attorney of record for the child, of the information, and request the attorney to investigate the matter. After investigation, the attorney shall proceed according to subsection (e)(2).

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007)

#### Rule 6.4 Absence of Juvenile Court Judge

In the absence of the Juvenile Court judge, all judges of the court are designated as Juvenile Court judges.

(Adopted, effective July 1, 1996)

#### Rule 6.4.1 Court Appointed Special Advocates (CASA) Program

##### a) CASA Function

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:

- (1) To support the child or youth throughout the Court proceedings;
- (2) To establish a relationship with the child or youth to better understand his or her particular needs and desires;
- (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;

- (4) To communicate the child or youth's needs and desires to the Court in written reports and recommendations;
- (5) To identify and explore potential resources that will facilitate family preservation and reunification or alternative permanency planning;
- (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;
- (7) Attend court hearings;
- (8) To the fullest extent possible, to communicate and coordinate efforts with the case manager (i.e. probation officer or social worker);
- (9) To the fullest extent possible, to communicate and coordinate efforts with the child or youth's attorney(s); and
- (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.

b) Sworn Officer of the Court

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)

CHAPTER 3. LPS CALENDAR

Rule 6.5 LPS Calendar Department

Court proceedings involving the detention, treatment and evaluation of the mentally disordered, developmentally disabled, inebriates, drug abusers, imminently dangerous and suicidal persons shall be held at such time and places as the judge of such department shall prescribe.

(Adopted, effective July 1, 1996)

CHAPTER 4. NORTHERN DEPARTMENT

Rule 6.6 Sessions

A session of this court, referred to in these rules as the "Northern Department," shall be held each court day, at such times as directed by the judge of that department, in the San Mateo County Northern District Court Building at 1050 Mission Road, South San Francisco, or at such other place or places in South San Francisco as the presiding judge shall order from time to time. The presiding judge shall establish by order a schedule for the Northern Department specifying the days and times that each type of proceeding will be conducted.

(Adopted, effective July 1, 1996)

Rule 6.7 Matters that May be Heard

In any action or proceeding assigned to the Northern Department pursuant to these rules, all proceedings shall be conducted in the Northern Department, unless otherwise ordered. Other proceedings may be assigned to the Northern Department by the presiding judge.

(Adopted, effective July 1, 1996)

Rule 6.8 Northern District

The Northern District includes all areas of San Mateo County from the northern boundary south to and including Burlingame.

(Adopted, effective July 1, 1996)

Rule 6.9 Basis for Establishing Northern District Venue

Northern District venue is proper in any action or proceeding where, in the discretion of the Presiding Judge or a designated supervising judge, for the convenience of the witnesses, the efficient administration of the court or the ends of justice would be promoted by assignment to the Northern Department. Regularly set court hearings held at the Northern Branch will be posted on the Court's calendars. Parties in other cases assigned to the Northern District will be notified of their assignment by written or verbal notice provided by the Court.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2013)

Rule 6.10 Procedure for Obtaining Northern District Venue

A party to an action may obtain Northern District venue by one of the following procedures:

- (a) The party initiating the action may file concurrently with the initial pleading a completed Northern District Declaration on the form available from the clerk of the court. Upon the filing of such a Declaration stating facts showing Northern District venue to be proper under these rules, the clerk shall assign such action to the Northern Department for all purposes permitted under these rules. If at any time it appears that assignment to the Northern Department was not proper, the presiding judge or the judge of the Northern Department may order such action or proceeding transferred to the county seat.
- (b) After an action is filed, any party may make a noticed motion before the presiding judge or the judge of the Northern Department for transfer to the Northern Department. In any default or otherwise uncontested action or proceeding, such order of transfer may be made ex parte. Except in default or uncontested actions or proceedings, within five days after the order for transfer is made, the moving party shall file and serve on all other parties a notice of the transfer.

(Adopted, effective July 1, 1996)

Rule 6.11 Transfer from Northern Department

The presiding judge or the judge of the Northern Department, with the approval of the presiding judge, may transfer actions or proceedings pending in the Northern Department to the county seat in any of the following circumstances:

- (a) When the parties stipulate to such transfer.
- (b) When the convenience of witnesses, the efficient administration of the court or the ends of justice would be promoted by the change.
- (c) When it appears that the action was improperly assigned to the Northern Department.

(Adopted, effective July 1, 1996)

Rule 6.12 Filing of Papers and Keeping Records of Northern Department (REPEALED)

(Adopted, effective July 1, 1996) (REPEALED, effective July 1, 2013)

RULES 6.13 THROUGH 6.19 RESERVED

CHAPTER 5. WRITS AND RECEIVERS CALENDAR

Rule 6.20. Writs and Receivers Calendar

**REPEALED**

(Adopted, effective July 1, 2015) (Amended, effective January 1, 2019) (Amended, effective January 1, 2020) (Repealed, effective January 1, 2021)

Rule 6.22 Ex Parte Matters

**REPEALED**

(Adopted, effective January 1, 2019) (Amended, effective January 1, 2020) (Repealed, effective January 1, 2021)

Rule 6.23 Placing a Matter on the Writs and Receivers Calendar

**REPEALED**

(Adopted, effective January 1, 2019) (Repealed, effective January 1, 2021)



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DIVISION VII  
PRETRIAL PROCEEDINGS IN CLASS ACTIONS

Rule 7.1 Introduction REPEALED. See CRC 3.760(a) and (b)

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 2017)

Rule 7.2 Issues Subject to Pretrial Determination REPEALED. See CRC 3.750, 3.763, 3.764, 3.765, 3.766, 3.767

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 2017)

Rule 7.3 Caption of Pleadings REPEALED. See CRC 3.761

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 2017)

Rule 7.4 Pretrial Proceedings REPEALED. See CRC 3.750, 3.763 et seq.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 2017)

Rule 7.5 Notice to Public Entity or Official REPEALED.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 2017)

Rule 7.6 Class Action Order REPEALED.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 2017)

Rule 7.7 Early or Separate Trial REPEALED.

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2017)

Rule 7.8 Certificate of Readiness REPEALED.

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2017)

Rule 7.9 Settlement of Class Claims REPEALED. See CRC 3.769

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2017)

Rule 7.10 Retention of Jurisdiction REPEALED. See CRC 3.769(h)

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2017)

Rule 7.11 Dismissals REPEALED. See CRC 3.770

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2017)



**DIVISION VIII  
APPOINTMENT OF SPECIAL MASTERS AND REFEREES  
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**DIVISION VIII  
APPOINTMENT OF SPECIAL MASTERS AND REFEREES  
FOR THE HANDLING OF COMPLEX CASES - SUPERIOR COURT**

Rule 8.1 Power to Appoint

The court may, at any stage in the proceedings, appoint a special master or referee for the purpose of conducting proceedings in complex cases, pursuant to Code of Civil Procedure sections 638-645.1, including settlement, in accordance with the provisions of this rule.

(Adopted, effective July 1, 1996)

Rule 8.2 Definition

Reference CRC Rule 3.400.

(Adopted, effective July 1, 1996) (Amended effective January 1, 2021.)

Rule 8.3 Identification

REPEALED

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

Rule 8.4 Appointment of Special Master or Referee

The assigning judge may, in accordance with the provisions of Code of Civil Procedure sections 638-645.1, in any case deemed to be complex, or on noticed motion of any party, appoint a special master or referee. The compensation of the special master or referee shall be fixed by the assigned civil judge pursuant to Code of Civil Procedure section 645.1 or pursuant to the agreement of all parties.

(Adopted, effective July 1, 1996) (Amended effective January 1, 2021.)

Rule 8.5 Supervision of Special Master or Referee

The assigned civil judge, shall supervise the work of the special master or referee.

(Adopted, effective July 1, 1996) (Amended effective January 1, 2021.)

Rule 8.6 Duties of Special Master or Referee

The special master or referee shall, in addition to the powers and duties conferred by Code of Civil Procedure section 639,

- (a) Review the court's file and meet with counsel;
- (b) When deemed appropriate, require counsel to provide statements pertaining to factual and legal issues;
- (c) Require the attendance of counsel and parties (or representatives of parties with full authority to settle) at all settlement conferences;
- (d) When deemed appropriate, meet with counsel and the parties (or their representatives) together and/or separately;

- (e) Refer special problems affecting settlement which require the assistance of the court to the assigned civil judge;
- (f) Determine the procedure, time, place and duration of all settlement conferences, subject to the direction of the presiding judge, or supervising judge designated by the presiding judge; and
- (g) Determine the procedure, time, place and duration of all settlement conferences, subject to the direction of the assigned civil judge; and
- (h) Upon determination that settlement cannot be reached under the circumstances then prevailing, report the status of the matter to the assigned civil judge together with such recommendations as may assist the court in securing the ultimate settlement of the case.

(Adopted, effective July 1, 1996) (Amended effective January 1, 2021.)

#### Rule 8.7 Court Order

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

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2010) (Amended effective January 1, 2021.)

#### Rule 8.8 Trial Judge

REPEALED

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

#### Rule 8.9 Special Master Additional Powers

The special master or referee may, on his or her own motion or on motion of any party, and upon good cause shown, order the designation of experts and their availability for depositions.

(Adopted, effective July 1, 1996)

#### Rule 8.10 Copies of Orders and Referee Reports

(Adopted, effective January 1, 2002) (REPEALED, effective January 1, 2005)



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CRIMINAL DEPARTMENT

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DIVISION IX  
CRIMINAL DEPARTMENT

Rule 9.1 Pretrial Motions in Criminal Cases

- (a) Notwithstanding the minimum time limits set out in the California Rules of Court, all pretrial motions, accompanied by points and authorities, shall be served and filed at least fifteen (15) calendar days, all papers opposing the motion at least five (5) court days, and all reply papers at least two (2) court days before the time of the hearing.
- (b) Motions shall be in writing unless good cause to the contrary is shown, within the time deadlines and other provisions described above. Motions shall be heard upon application and as set by the court.
- (c) In misdemeanor cases in which the defendant has waived the right to a speedy trial, all pretrial motions shall, if possible, be set and heard prior to the date of the pretrial conference. When such motions cannot be so calendared, a later hearing date will be permitted only when a written declaration setting forth good cause for the late hearing has been filed and approved. Such declarations should be filed prior to the date of the pretrial conference and served on the opposing party.
- (d) In misdemeanor cases, if a motion to strike a prior conviction cannot be timely heard due to lack of documentation, it will then be heard at the time of sentencing.
- (e) Written motions filed pursuant to Penal Code Section 1538.5 shall specifically describe and list the property or evidence which is the subject of the motion to suppress. Furthermore, the motion and supporting documents shall specifically state the theory or theories relied upon, and cite the specific authority or authorities offered in support of such theory or theories.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2009)

Rule 9.2 Sentencing

- (a) In all criminal matters, the judge who indicates a sentence upon which a plea is subsequently entered or who hears a trial, either jury or non-jury, normally shall impose sentence in that case.
- (b) The judge imposing sentence may order that a case be returned to that judge for all subsequent proceedings, including, but not limited to, modifications and violations of probation.

(Adopted, effective July 1, 1996)

Rule 9.3 Continuances

A trial date or evidentiary hearing may be continued only in open court, both sides being represented. Written notice of a motion to continue as required by Penal Code Section 1050 may be waived if the motion is known to be unopposed, and the proffered good cause is not contested.

(Adopted, effective July 1, 1996)

Rule 9.4 Written Arraignments

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.

(Adopted, effective July 1, 1996) (Amended, effective July 1, 2003)

Rule 9.5 Investigative Reports -- Discovery

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2003)

Rule 9.6 Preparation of Reporter's Transcript on Appeal in Criminal Cases

The reporter shall commence preparation of the transcript upon a verdict of guilty in all felony trials. If a notice of appeal has not been filed within 60 days of sentencing the reporter shall cease preparation of the reporter's transcript and submit a bill for the completed pages of the transcript. Rule 8.616(b) of the California Rules of Court shall otherwise apply.

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007)

Rule 9.7 Trial by Declaration for Traffic Infractions

In order to expedite the handling and disposition of all traffic infractions, any defendant may elect to have a trial by written declaration upon any alleged infraction, as charged by the citing officer, subject to the provisions of Vehicle Code Section 40902. Testimony and other relevant evidence may be introduced in the form of the notice to appear issued pursuant to Vehicle Code Section 40500, a business record or receipt, a sworn declaration of the arresting officer, or a written statement or letter signed by the defendant. If the defendant is dissatisfied with a decision of the court in a trial by declaration, the defendant shall be granted a trial de novo.

(Adopted, effective January 1, 1998)

Rule 9.8 Confidentiality Of Victim Or Witness Information In Law Enforcement, Arrest Or Investigative Reports [Penal Code §964(C)]

A. Law Enforcement Reports Impacted

1. Law Enforcement, arrest or investigative reports that contain confidential personal information regarding a witness or victim are to be sealed pursuant to Penal Code section 964(a). These reports will be sealed once they are filed or lodged with the Court if they are submitted for the following purposes:
  - a) If the report is being submitted by a prosecutor in support of a criminal complaint, indictment, or information, or
  - b) If the report is submitted by the prosecutor or law enforcement officer in support of a search or arrest warrant.
2. This Rule is an exception to the California Rule of Court 243.1, as provided by paragraph (a)(2) of Rule 243.1.
3. Pursuant to Penal Code §964(c), this procedure will not be construed to impair or affect any of the following:



- a) Provisions of Chapter 10 of Title 6 of Part 2 (commencing with Penal Code §1054);
- b) Procedures regarding informant disclosure provided by Evidence Code §§ 1040 to 1042 inclusive, or as altering procedures regarding sealed search warrant affidavits as provided by People vs. Hobbs (1994) 7 Cal4th 948; or
- c) A criminal defense counsel's access to unredacted reports otherwise authorized by law, or the submission of documents in support of a civil complaint.

**B. Access to Sealed Reports**

Any individual or agency, who does not have access to the report as allowable by law, may obtain access to a redacted version of the sealed report by following these procedures:

1. File with the Court an Ex Parte Application for an Order to view the report. This Ex Parte application must state the case number, title of the case, and the reasons and basis for your request to gain access to the sealed report.
2. Please see Local Rule 3.19 for filing, scheduling and hearing procedures. All Ex Parte Applications for an Order to view a sealed law enforcement report containing victim/witness information under this Rule must be scheduled for the Presiding Judge's Ex Parte hearing calendar that is heard daily between 2:00 PM to 3:30 PM.
3. Individuals who obtain an order granting access to a sealed report pursuant to this Rule shall present the order at the Criminal Court Clerk's Office to request the report. The Clerk's office will arrange to obtain a copy of the redacted report and will notify the applicant when the report is available for pick up.

(Adopted, effective July 1, 2005)

**Rule 9.9 Traffic Pre-Trial Discovery Motions.** An informal discovery request can be made anytime after a case is filed.

1. The defendant or his/her attorney must make this request in writing and the original is to be filed with the police agency that issued the citation.
2. The citing police agency has 15 days to respond and provide the requested material and information.
3. A copy of the informal request shall be filed with the District Attorney's Office who in turn will provide the Court Clerk's office Traffic Division with a copy of the request.
4. If the police agency does not respond to the request within 15 days of service, the defendant may seek a court order to compel Discovery.
5. The motion to compel discovery must be filed at the earliest possible date and at least five court days prior to the trial date. Written notice must be served on all parties at least five court days prior to the hearing. The original written motion to compel discovery and the proposed order should be filed in the Court Clerk's office Traffic Division with a copy served on the police agency that issued the citation and the District Attorney's Office. The motion should indicate a hearing date that is before the trial date.

(Adopted, effective July 1, 2006)

**RULE 9.10 LOCAL CRIMINAL FELONY AND MISDEMEANOR BAIL SCHEDULES**

These procedures and schedule for adoption of local felony and misdemeanor bail schedules, hereinafter referred to as "local bail schedules", are adopted pursuant to California Penal Code, sections 1269b (c)

and (d) and California Rules of Court(CRC), Rule 4.102. These uniform countywide bail schedules will be used for setting bail at all times provided by law.

- A. The local bail schedules are effective from July 1 to June 30 of the following year.
- B. Judicial officers of this court designated by the Presiding Judge will review and revise the local bail schedules annually and submit their revisions to the Judges Committee for review and approval. The proposed revised local bail schedules will be reviewed and shall be adopted by a majority of the judicial officers at the judges April meeting.
- C. Amendments to the local bail schedules may be made during the year at any time upon a majority vote of the judicial officers of this court.
- D. Copies of the local bail schedules shall be sent to the officer in charge of the county jail and of each city jail within the county, to each judicial officer of this court and to the Judicial Council [PC § 1269b(f), CRC, Rule 4.102].

(Adopted and effective January 1, 2008)

Rule 9.11 - Brief Preliminary Evaluations of the *Adjudicative* Competency of a Criminal Defendant

- (a) Definition. A brief preliminary evaluation of adjudicative competence shall be conducted by a qualified mental health expert, and is designed to assist the Court in the earliest determination of whether a criminal defendant is clearly competent or clearly not competent to stand trial and assist counsel.
- (b) Preliminary Opinions by Evaluator. A brief preliminary evaluation shall address the following questions:
  - (1) Is the defendant clearly able to understand the nature of the criminal proceedings in a rational manner or is the defendant clearly unable to understand the nature of the criminal proceedings as a result of a mental disorder?
  - (2) Is the defendant clearly able to assist counsel in the conduct of a defense in a rational manner or is the defendant clearly unable to assist counsel in the conduct of a defense as a result of a mental disorder?
- (c) Written Reports. A qualified mental health expert's report of a brief preliminary evaluation shall be in writing and shall include the following and is due in court within a reasonable time from the date of the order (subject to the appointing judge's discretion in consultation with the appointed expert):
  - (1) Defendant's name, case number(s), date of evaluation and report, length of current incarceration at the time of interview, methods of evaluation, evaluator's signature.
  - (2) The evaluator's opinions with respect to (b)(1)&(2) and the reasons for the opinions.
  - (3) The defendant's observed symptoms, behaviors and functioning relevant to the opinions.
- (d) Application. This local rule is intended to comply with Rule 4.130(a)(3) of the California Rules of Court, so that Brief Preliminary Evaluation Reports prepared in accordance with this rule need not comply with Rule 4.130(d)(2).

(Adopted, effective January 1, 2019) (Amended, effective July 1, 2020).

Rule 9.12 Court Reporter Availability in Criminal Actions

- (a) Unavailability.
  - (i) The services of official court reporters are not normally available during

regular court hours for the following criminal departments and calendars: misdemeanor court trials and jury trials, misdemeanor pretrial motions and motions in limine, misdemeanor out-of-custody arraignments, misdemeanor pretrial conferences, misdemeanor jury trial readiness, misdemeanor sentencings, 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.

(ii) Pursuant to Government Code Section 69957, when a court reporter is not available, the Court will use and provide electronic recording of misdemeanor court trials and jury trials, misdemeanor pretrial motions and motions in limine, misdemeanor out-of-custody arraignments, misdemeanor jury trial readiness, misdemeanor pretrial conferences, and misdemeanor domestic violence pretrial conferences, misdemeanor domestic violence reviews, and misdemeanor cases in collaborative courts such as Military Diversion Court, Drug Court, Treatment Court, Bridges, Pathways, DUI Court, and Penal Code 1370 proceeding.

(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).

(Adopted effective January 1, 2020; Amended effective July 1, 2022; Amended effective January 1, 2023.)

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**DIVISION X  
JUDICIAL ARBITRATION FOR CIVIL CASES**

Rule 10.1 Judicial Arbitration for Civil Cases

REPEALED

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2005) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2021)

Rule 10.2 Voluntary Arbitration

REPEALED

(Adopted, effective, January 1, 2009 [formerly Rule 11.6]) (Repealed, effective January 1, 2021)



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DIVISION XI  
CIVIL RULES

RULE 11.1 Motions and Notice of Motions

(Adopted, effective July 1, 1996) (Repealed, January 1, 2008)

Rule 11.2 Information Forms for Data Processing

The court may prescribe forms for filing with such papers as may be necessary to accommodate data processing and statistical reporting requirements. These forms will normally be required with all first appearances or any other pleadings which affect the status of the parties in an action, including proofs of service of summons, memoranda to set, any documents requiring a hearing, and such other documents as may be identified by the court as requiring the input of special data to a case management/statistical reporting system. Specific statements of policy requiring the filing of these forms, and amendments thereto, will be published as they are approved by the court through customary media and bar liaison channels. These forms will be made available at the Court clerk's offices, as appropriate.

(Adopted, effective July 1, 1996)

Rule 11.3 Long-Cause Pre-arbitration, Settlement and Trial Setting

REPEALED

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2021)

Rule 11.4 Civil Case Assignment (REPEALED)

( Amended, effective January 1, 1997) (REPEALED, effective July 1, 2013)

Rule 11.5 Juries: Fees and Demands

REPEALED

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2009; effective January 1, 2013) (Repealed, effective January 1, 2021)

Rule 11.6 Voluntary Arbitration

See Local Rule of Court 10.2

(Adopted, effective July 1, 1996)(Repealed and renumbered, effective January 1, 2009)

Rule 11.7 Summary Judgment Motions - Form of Motion

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.8 Summary Adjudication Motions -- Form of Motion

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.9 Summary Judgment/Adjudication Motions - Form of Opposition Separate Statement

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.10 Summary Judgment Motions/Adjudication -- Format of Evidence

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.11 Summary Judgment Motions/Adjudication -- Opposition on Ground of Unavailability of Evidence

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.12 Summary Judgment Motions/Adjudication -- Proposed Order Denying Motions

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.13 Summary Judgment Motions/Adjudication -- Objection to Evidence.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.14 Summary Judgment Motions/Adjudication -- Form of Written Objections to Evidence.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.15 Summary Judgment Motions/Adjudication -- Sanctions.

(Adopted, effective July 1, 1996)(Repealed, effective January 1, 1999)

Rule 11.16 Delay Reduction Policy and Standards

REPEALED

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

RULE 11.17 General Civil Delay Reduction Procedural Rules

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2009)

Rule 11.18 Continuances

REPEALED

(Adopted, effective July 1, 1996) (Amended, effective January 1, 2007) (Repealed, effective January 1, 2021)

Rule 11.19 Required Action

Action shall be taken on all calendared cases and a future date for action shall always be set. No case shall go "off calendar" without a future action date being set.

(Adopted, effective July 1, 1996)



Rule 11.20 Failure to Comply With Delay Reduction Rules

REPEALED

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

Rule 11.21 Unlawful Detainer

REPEALED

(Adopted, effective July 1, 1996) (Repealed, effective January 1, 2021)

RULE 11.22 Pro-Tem Judges

(a) When an attorney is named as a plaintiff in a civil or small claims case filed in the Superior Court of California, County of San Mateo, that attorney may not sit as a judge pro-tem of the court during the pendency of the case or within six months following the resolution of the case.

(b) When an attorney is named as a defendant in two or more civil or small claims cases filed in the Superior Court of California, County of San Mateo, that attorney may not sit as a judge pro-tem of the court during the pendency of the cases after the second case has been filed or within six months following the resolution of both cases.

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

**ATTACHMENT “I”  
LOCAL COURT FORMS LIST  
FORM NUMBER**

Category	Form Name	Form Number	Mandatory (M) Optional (O)	Revision Date
Civil	<a href="#">Stipulation for Court Commissioner to Act as Temporary Judge for all Purposes</a>	AD-10	M	1/1/22
Adoption	<a href="#">Adult Adoption Petition</a>	Adopt-4	M	9/1/12
Adoption	<a href="#">Adult Adoption Agreement</a>	Adopt-5	M	9/1/12
Adoption	<a href="#">Adult Adoption Order</a>	Adopt-6	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Superior Court Adoption File-Adoptee</a>	Adopt-7	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Superior Court Adoption File-Interested Party</a>	Adopt-8	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Original Birth Record-Adoptee</a>	Adopt-9	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Original Birth Record-Interested Party</a>	Adopt-10	M	9/1/12
Adoption	<a href="#">Adult Adoption-Consent of Spouse</a>	Adopt-11	M	9/1/12
ADR	<a href="#">ADR Financial Aid Application</a>	ADR-9	M	6/1/11
ADR	<a href="#">ADR Program Panelist Application and Instructions</a>	ADR-10	M	6/1/11
ADR	<a href="#">Ex Parte Motion and Stipulation to Extend Jurisdiction of Arbitrator (fillable)</a>	ADR-CSARB	M	1/1/22
ADR	<a href="#">Civil Stipulation and Order to ADR Form and Instructions</a>	ADR-CV-1	M	1/1/22
ADR	<a href="#">Probate Stipulation and Order to ADR Form and Instructions</a>	ADR-CV-2	M	1/1/22
ADR	<a href="#">Stipulation to Mediation in Lieu of Judicial Arbitration</a>	ADR-CV-3	M	1/1/12
ADR	<a href="#">Neutral Evaluation Guidelines</a>	ADR-CV-4	M	10/1/10
ADR	<a href="#">Client Evaluation</a>	ADR-CV-5	M	1/1/22
ADR	<a href="#">Evaluation by Attorney</a>	ADR-CV-6	M	1/1/22
ADR	<a href="#">Confidential Evaluation By Neutral</a>	ADR-CV-7	M	1/1/22
ADR	<a href="#">Court ADR Information Sheet</a>	ADR-CV-8	M	9/1/10
ADR	<a href="#">Statement of Nonagreement</a>	ADR-CV-11	M	1/1/22
ADR	<a href="#">Juvenile Dependency Mediation Evaluation Form</a>	ADR-JV-1	M	9/1/10

Superior Court of California, County of San Mateo

Criminal	<a href="#">Declaration to Obtain Services of Court Appointed Counsel</a>	CR-2a	M	6/1/04
Criminal	<a href="#">Spanish Declaration to Obtain Services of Court Appointed Counsel</a>	CR-2a Spa	M	6/1/04
Criminal	<a href="#">Waiver of Right to Counsel and Order Permitting Appearance in Propria Persona</a>	CR-25	M	7/1/23
Criminal	<a href="#">Application of Defendant for the Court to Declare Conviction Offense a Misdemeanor</a>	CR-40	M	6/1/04
Criminal	<a href="#">Proposition 36 Petition for Dismissal of Charges</a>	CR-75	M	7/1/09
Criminal	<a href="#">Proposition 36 Dismissal Order Pursuant to Penal Code Section 1210.1</a>	CR-76	M	7/1/09
Criminal	<a href="#">Request for Forensic Evaluation Fee Variance</a>	CR-168	M	5/1/08
Traffic	<a href="#">Waiver of Rights for Entry of Plea of Guilty or Nolo Contendere</a>	CR-TR-33	M	6/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Entry of Plea of Guilty</a>	CR-TR-33a SPA	M	6/1/04
Civil	<a href="#">Application and Declaration in Support of Request to Dispense with Notice to Minor's Parent (fillable)</a>	CV-66	M	3/1/09
Civil	<a href="#">Order Appointing Special Master</a>	CV-67	M	8/1/10
Civil	<a href="#">Appointment of Official Reporter Pro Tempore</a>	CV-68	M	1/1/23
Civil	<a href="#">Request for an Official Court Reporter for Civil Court Proceedings</a>	CV-69	M	1/1/23
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Family Court Services	<a href="#">Authorization for Release of Records &amp; Protected Health Information</a>	FCS-2	M	6/1/10
Family Court Services	<a href="#">Acknowledgement Guidelines for Support Person</a>	FCS-3	M	12/1/11
Family Court Services	<a href="#">Acknowledgement Guidelines for Support Person (Spanish)</a>	FCS-3a	M	10/1/11
Family Court Services	<a href="#">Information Sheet Mediation &amp; Evaluation</a>	FCS-4	M	10/1/11
Family Court Services	<a href="#">Spanish Information Sheet Mediation &amp; Evaluation</a>	FCS-4a Spanish	M	10/1/11
Family Court Services	<a href="#">Information Sheet Day of Court Mediation</a>	FCS-5	M	2/1/11
Family Court Services	<a href="#">Spanish Information Sheet Day of Court Mediation</a>	FCS-5a Spanish	M	2/1/11
Family Court Services	<a href="#">DV Information Sheet Day of Court Mediation.pdf</a>	FCS-6	M	2/1/11

Superior Court of California, County of San Mateo

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Family Court Services	<a href="#">Guardianship Information Sheet Day of Court Mediation</a>	FCS-7	M	10/1/11
Family Court Services	<a href="#">Spanish Guardianship Information Sheet Day of Court Mediation</a>	FCS-7a Spanish	M	11/1/11
Family Court Services	<a href="#">Guardianship Information Sheet</a>	FCS-8	M	11/1/10
Family Court Services	<a href="#">Spanish Guardianship Information Form</a>	FCS-8a	M	11/1/10
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Family Law	<a href="#">Status Conference &amp; Trial Setting Order</a>	FL-4	M	3/1/07
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Family Law	<a href="#">Declaration Re Notice of Ex-parte Appl. for Orders (Word, fillable)</a>	FL-8a	M	10/1/10
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Family Law	<a href="#">List of Proposed Exhibits</a>	FL-9a	M	7/1/08
Family Law	<a href="#">Notice of Motions in Limine</a>	FL-10	M	4/1/04
Family Law	<a href="#">List of Witnesses</a>	FL-11	M	4/1/04
Family Law	<a href="#">Mandatory Short Cause Trial Statement</a>	FL-12	M	1/1/16
Family Law	<a href="#">Stipulation and Order to Defer Setting of Status Conference</a>	FL-13	M	7/1/08
Family Law	<a href="#">Request to Set Status Conference</a>	FL-14	M	7/1/08

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Family Law	<a href="#">Stipulation for Appointment or Removal of Mediator</a>	FL-18	M	1/1/22
Juvenile	<a href="#">Notice of Responsibility for Reimbursement for Court Appointed Counsel in Dependency Proceedings</a>	JV-11	M	8/1/11
Juvenile	<a href="#">Aviso De Responsabilidad De Reembolso Por Abogado Nombrado Por La Corte En Actuaciones De Dependencia De Menores</a>	JV-11 Spanish	M	9/1/11
Juvenile	<a href="#">Declaration of Financial Condition Made Under Penalty of Perjury to Obtain the Services of Court Appointed Counsel / Declaración Financiera Realizada Bajo Pena De Perjurio Para Obtener Los Servicios De Un Abogado Designado Por La Corte</a>	JV-12 (English/Spanish)	M	1/1/22
Probate	<a href="#">Conservatee's Information and List of Relatives</a>	PR-1	M	8/1/09
Probate	<a href="#">Conservatee's Information and List of Relatives (Word, fillable)</a>	PR-1	M	8/1/09
Probate	<a href="#">Conservatee's Change of Address</a>	PR-1 Move	M	10/9/07
Probate	<a href="#">List of Conservatee's Relatives/Friends (Attachment to PR-1)</a>	PR-1A	M	8/1/09
Probate	<a href="#">Notification to Court of Addresses for Guardianship</a>	PR-2	M	1/1/23
Probate	<a href="#">Caregiver Authorization Affidavit</a>	PR-4	M	3/1/04
Probate	<a href="#">Request for Appointment of California Probate Referee</a>	PR-5	M	3/1/04
Probate	<a href="#">Uncontested Calendar Request</a>	PR -7	M	3/1/04
Probate	<a href="#">Affidavit to comply with CA Probate Code §§ 13100-13115</a>	PR-8	M	1/1/22
Probate	<a href="#">Declaration RE: Notice of Exparte Application for Orders</a>	PR-9	M	9/1/08
Civil	<a href="#">Newspaper Listings</a>	PR-13	M	2/1/11
Probate	<a href="#">Newspaper Listings</a>	PR-13	M	1/1/22
Probate	<a href="#">Guardianship Declaration Confidential</a>	PR-18	M	8/1/09
Probate	<a href="#">Confidential Status Report</a>	PR-19	M	2/1/10
Probate	<a href="#">Confidential Status Report (Word, fillable)</a>	PR-19	M	2/1/10
Probate	<a href="#">Filing of Guardianship Petition</a>	PR-20	M	7/1/11
Probate	<a href="#">Confidential General Plan</a>	PR-22	M	9/1/11
Probate	<a href="#">Notice to Court of Death</a>	PR-23	M	8/1/08

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Probate	<a href="#">Declaration in Support of Waiver of Accountings</a>	PR-24	M	3/1/08
Probate	<a href="#">Instructions for Lodging Original Financial Statements Prob.C. 2620 C</a>	PR-26	M	6/1/10
Probate	<a href="#">Receipt for Lodged Original Financial Statements</a>	PR-27	M	1/1/08
Small Claims	<a href="#">Declaration Re Satisfaction of Judgment</a>	SC-3	M	5/1/10
Small Claims	<a href="#">Small Claims Advisor Workshop</a>	SC-5	M	1/1/22
Small Claims	<a href="#">Release of Exhibits</a>	SC-6	M	1/1/22
Small Claims	<a href="#">Declaration and Motion for Order Amending Judgment</a>	SC-21	M	1/1/22
Small Claims	<a href="#">Request for Dismissal (fillable)</a>	SC-24	M	1/1/22
Small Claims	<a href="#">Declaration Re. Lost Copy</a>	SC-31	M	1/1/22
Traffic	<a href="#">Why is My Bail or Fine So Much?</a>	TR-07	M	1/1/22
Traffic	<a href="#">Advice of Rights - Traffic Violations (Notice)</a>	TR-21	M	7/1/10
Traffic	<a href="#">English/Spanish Advice of Rights - Traffic Violations (Notice)</a>	TR-21 Eng/Span	M	7/1/10
Traffic	<a href="#">Chinese Advice of Rights</a>	TR-21b	M	7/1/10
Traffic	<a href="#">Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(a) VC</a>	TR-22	M	7/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(A) VC</a>	TR-22a SPA	M	7/1/04
Traffic	<a href="#">Waiver of Rights for Informal Hearing 40901</a>	TR-23	M	7/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Informal Hearing 40901</a>	TR-23a SPA	M	7/1/04
Traffic	<a href="#">Advisement and Acknowledgment of Rights; Entry of Guilty or No Contest Plea; Request for Reduction of Fine</a>	TR-34	M	1/1/22
Traffic	<a href="#">Waiver of Arraignment on Traffic Citation</a>	TR-43	M	7/1/04
Traffic	<a href="#">Instructions to Defendant (Trial by Written Declaration)</a>	TR-200	M	1/1/99
Traffic	<a href="#">Request for Trial by Written Declaration</a>	TR-205	M	1/1/99
Traffic	<a href="#">Agreement to Pay and Forfeit Bail in Installments (Central Branch)</a>	<a href="#">TR-300 (Central Branch)</a>	M	11/1/10

Traffic	<a href="#">Agreement to Pay and Forfeit Bail in Installments (Southern Branch Annex)</a>	<a href="#">TR-300 (Southern Branch Annex)</a>	M	11/1/10
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**ATTACHMENT “I”  
LOCAL COURT FORMS LIST  
BY DATE**

Category	Form Name	Form Number	Mandatory (M) Optional (O)	Revision Date
Criminal	<a href="#">Waiver of Right to Counsel and Order Permitting Appearance in Propria Persona</a>	CR-25	M	7/1/23
Civil	<a href="#">Appointment of Official Reporter Pro Tempore</a>	CV-68	M	1/1/23
Civil	<a href="#">Request for an Official Court Reporter for Civil Court Proceedings</a>	CV-69	M	1/1/23
Probate	<a href="#">Notification to Court of Addresses for Guardianship</a>	PR-2	M	1/1/23
Civil	<a href="#">Stipulation for Court Commissioner to Act as Temporary Judge for all Purposes</a>	AD-10	M	1/1/22
ADR	<a href="#">Ex Parte Motion and Stipulation to Extend Jurisdiction of Arbitrator (fillable)</a>	ADR-CSARB	M	1/1/22
ADR	<a href="#">Civil Stipulation and Order to ADR Form and Instructions</a>	ADR-CV-1	M	1/1/22
ADR	<a href="#">Probate Stipulation and Order to ADR Form and Instructions</a>	ADR-CV-2	M	1/1/22
ADR	<a href="#">Client Evaluation</a>	ADR-CV-5	M	1/1/22
ADR	<a href="#">Evaluation by Attorney</a>	ADR-CV-6	M	1/1/22
ADR	<a href="#">Confidential Evaluation By Neutral</a>	ADR-CV-7	M	1/1/22
ADR	<a href="#">Statement of Nonagreement</a>	ADR-CV-11	M	1/1/22
Civil	<a href="#">Uncontested Calendar and Prove Up Hearing Request</a>	CV-P1	M	1/1/22
Family Law	<a href="#">Stipulation for Appointment or Removal of Mediator</a>	FL-18	M	1/1/22
Juvenile	<a href="#">Declaration of Financial Condition Made Under Penalty of Perjury to Obtain the Services of Court Appointed Counsel / Declaración Financiera Realizada Bajo Pena De Perjurio Para Obtener Los Servicios De Un Abogado Designado Por La Corte</a>	JV-12 (English/Spanish)	M	1/1/22
Probate	<a href="#">Affidavit to comply with CA Probate Code §§ 13100-13115</a>	PR-8	M	1/1/22

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Probate	<a href="#">Newspaper Listings</a>	PR-13	M	1/1/22
Small Claims	<a href="#">Small Claims Advisor Workshop</a>	SC-5	M	1/1/22
Small Claims	<a href="#">Release of Exhibits</a>	SC-6	M	1/1/22
Small Claims	<a href="#">Declaration and Motion for Order Amending Judgment</a>	SC-21	M	1/1/22
Small Claims	<a href="#">Request for Dismissal (fillable)</a>	SC-24	M	1/1/22
Small Claims	<a href="#">Declaration Re. Lost Copy</a>	SC-31	M	1/1/22
Traffic	<a href="#">Why is My Bail or Fine So Much?</a>	TR-07	M	1/1/22
Traffic	<a href="#">Advisement and Acknowledgment of Rights; Entry of Guilty or No Contest Plea; Request for Reduction of Fine</a>	TR-34	M	1/1/22
Family Law	<a href="#">Mandatory Short Cause Trial Statement</a>	FL-12	M	1/1/16
Adoption	<a href="#">Adult Adoption Petition</a>	Adopt-4	M	9/1/12
Adoption	<a href="#">Adult Adoption Agreement</a>	Adopt-5	M	9/1/12
Adoption	<a href="#">Adult Adoption Order</a>	Adopt-6	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Superior Court Adoption File-Adoptee</a>	Adopt-7	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Superior Court Adoption File-Interested Party</a>	Adopt-8	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Original Birth Record-Adoptee</a>	Adopt-9	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Original Birth Record-Interested Party</a>	Adopt-10	M	9/1/12
Adoption	<a href="#">Adult Adoption-Consent of Spouse</a>	Adopt-11	M	9/1/12
ADR	<a href="#">Stipulation to Mediation in Lieu of Judicial Arbitration</a>	ADR-CV-3	M	1/1/12
Family Court Services	<a href="#">Acknowledgement Guidelines for Support Person</a>	FCS-3	M	12/1/11
Family Court Services	<a href="#">Spanish Guardianship Information Sheet Day of Court Mediation</a>	FCS-7a Spanish	M	11/1/11
Family Court Services	<a href="#">Acknowledgement Guidelines for Support Person (Spanish)</a>	FCS-3a	M	10/1/11
Family Court Services	<a href="#">Information Sheet Mediation &amp; Evaluation</a>	FCS-4	M	10/1/11



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Family Court Services	<a href="#">Spanish Information Sheet Mediation &amp; Evaluation</a>	FCS-4a Spanish	M	10/1/11
Family Court Services	<a href="#">Guardianship Information Sheet Day of Court Mediation</a>	FCS-7	M	10/1/11
Juvenile	<a href="#">Aviso De Responsabilidad De Reembolso Por Abogado Nombrado Por La Corte En Actuaciones De Dependencia De Menores</a>	JV-11 Spanish	M	9/1/11
Probate	<a href="#">Confidential General Plan</a>	PR-22	M	9/1/11
Juvenile	<a href="#">Notice of Responsibility for Reimbursement for Court Appointed Counsel in Dependency Proceedings</a>	JV-11	M	8/1/11
Probate	<a href="#">Filing of Guardianship Petition</a>	PR-20	M	7/1/11
ADR	<a href="#">ADR Financial Aid Application</a>	ADR-9	M	6/1/11
ADR	<a href="#">ADR Program Panelist Application and Instructions</a>	ADR-10	M	6/1/11
Family Court Services	<a href="#">Information Sheet Day of Court Mediation</a>	FCS-5	M	2/1/11
Family Court Services	<a href="#">Spanish Information Sheet Day of Court Mediation</a>	FCS-5a Spanish	M	2/1/11
Family Court Services	<a href="#">DV Information Sheet Day of Court Mediation.pdf</a>	FCS-6	M	2/1/11
Family Court Services	<a href="#">Spanish DV Information Sheet Day of Court Mediation</a>	FCS-6a Spanish	M	2/1/11
Civil	<a href="#">Newspaper Listings</a>	PR-13	M	2/1/11
Family Court Services	<a href="#">Guardianship Information Sheet</a>	FCS-8	M	11/1/10
Family Court Services	<a href="#">Spanish Guardianship Information Form</a>	FCS-8a	M	11/1/10
Traffic	<a href="#">Agreement to Pay and Forfeit Bail in Installments (Central Branch)</a>	<a href="#">TR-300 (Central Branch)</a>	M	11/1/10
Traffic	<a href="#">Agreement to Pay and Forfeit Bail in Installments (Southern Branch Annex)</a>	<a href="#">TR-300 (Southern Branch Annex)</a>	M	11/1/10
ADR	<a href="#">Neutral Evaluation Guidelines</a>	ADR-CV-4	M	10/1/10
Family Law	<a href="#">Declaration Re Notice of Ex-parte Appl. for Orders</a>	FL-8	M	10/1/10
Family Law	<a href="#">Declaration Re Notice of Ex-parte Appl. for Orders (Word, fillable)</a>	FL-8a	M	10/1/10
ADR	<a href="#">Court ADR Information Sheet</a>	ADR-CV-8	M	9/1/10
ADR	<a href="#">Juvenile Dependency Mediation Evaluation Form</a>	ADR-JV-1	M	9/1/10

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Civil	<a href="#">Order Appointing Special Master</a>	CV-67	M	8/1/10
Family Court Services	<a href="#">Instrucciones Para Los Interpretes</a>	FCS-10 Spanish	M	7/1/10
Traffic	<a href="#">Advice of Rights - Traffic Violations (Notice)</a>	TR-21	M	7/1/10
Traffic	<a href="#">English/Spanish Advice of Rights - Traffic Violations (Notice)</a>	TR-21 Eng/Span	M	7/1/10
Traffic	<a href="#">Chinese Advice of Rights</a>	TR-21b	M	7/1/10
Family Court Services	<a href="#">Authorization for Release of Records &amp; Protected Health Information</a>	FCS-2	M	6/1/10
Family Court Services	<a href="#">Interpreter Instructions</a>	FCS-10	M	6/1/10
Family Court Services	<a href="#">Interpreter Acknowledgment</a>	FCS-11	M	6/1/10
Probate	<a href="#">Instructions for Lodging Original Financial Statements Prob.C. 2620 C</a>	PR-26	M	6/1/10
Small Claims	<a href="#">Declaration Re Satisfaction of Judgment</a>	SC-3	M	5/1/10
Probate	<a href="#">Confidential Status Report</a>	PR-19	M	2/1/10
Probate	<a href="#">Confidential Status Report (Word, fillable)</a>	PR-19	M	2/1/10
Probate	<a href="#">Conservatee's Information and List of Relatives</a>	PR-1	M	8/1/09
Probate	<a href="#">Conservatee's Information and List of Relatives (Word, fillable)</a>	PR-1	M	8/1/09
Probate	<a href="#">List of Conservatee's Relatives/Friends (Attachment to PR-1)</a>	PR-1A	M	8/1/09
Probate	<a href="#">Guardianship Declaration Confidential</a>	PR-18	M	8/1/09
Criminal	<a href="#">Proposition 36 Petition for Dismissal of Charges</a>	CR-75	M	7/1/09
Criminal	<a href="#">Proposition 36 Dismissal Order Pursuant to Penal Code Section 1210.1</a>	CR-76	M	7/1/09
Family Court Services	<a href="#">Separate Mediation and Support Person Policy</a>	FCS-9	M	4/1/09
Civil	<a href="#">Application and Declaration in Support of Request to Dispense with Notice to Minor's Parent (fillable)</a>	CV-66	M	3/1/09
Family Law	<a href="#">Status Conference Statement</a>	FL-3	M	1/1/09
Probate	<a href="#">Declaration RE: Notice of Exparte Application for Orders</a>	PR-9	M	9/1/08
Probate	<a href="#">Notice to Court of Death</a>	PR-23	M	8/1/08

Superior Court of California, County of San Mateo

Family Law	<a href="#">List of Proposed Exhibits</a>	FL-9a	M	7/1/08
Family Law	<a href="#">Stipulation and Order to Defer Setting of Status Conference</a>	FL-13	M	7/1/08
Family Law	<a href="#">Request to Set Status Conference</a>	FL-14	M	7/1/08
Criminal	<a href="#">Request for Forensic Evaluation Fee Variance</a>	CR-168	M	5/1/08
Probate	<a href="#">Declaration in Support of Waiver of Accountings</a>	PR-24	M	3/1/08
Probate	<a href="#">Receipt for Lodged Original Financial Statements</a>	PR-27	M	1/1/08
Probate	<a href="#">Conservatee's Change of Address</a>	PR-1 Move	M	10/9/07
Family Law	<a href="#">Status Conference &amp; Trial Setting Order</a>	FL-4	M	3/1/07
Family Law	<a href="#">Notice of ADR Options</a>	FL-2	M	10/1/06
Traffic	<a href="#">Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(a) VC</a>	TR-22	M	7/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(A) VC</a>	TR-22a SPA	M	7/1/04
Traffic	<a href="#">Waiver of Rights for Informal Hearing 40901</a>	TR-23	M	7/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Informal Hearing 40901</a>	TR-23a SPA	M	7/1/04
Traffic	<a href="#">Waiver of Arraignment on Traffic Citation</a>	TR-43	M	7/1/04
Criminal	<a href="#">Declaration to Obtain Services of Court Appointed Counsel</a>	CR-2a	M	6/1/04
Criminal	<a href="#">Spanish Declaration to Obtain Services of Court Appointed Counsel</a>	CR-2a Spa	M	6/1/04
Criminal	<a href="#">Application of Defendant for the Court to Declare Conviction Offense a Misdemeanor</a>	CR-40	M	6/1/04
Traffic	<a href="#">Waiver of Rights for Entry of Plea of Guilty or Nolo Contendere</a>	CR-TR-33	M	6/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Entry of Plea of Guilty</a>	CR-TR-33a SPA	M	6/1/04
Family Court Services	<a href="#">Client Comment Form</a>	FCS-1	M	5/1/04
Family Law	<a href="#">Stipulation and Order RE Continuance</a>	FL-1	M	4/1/04
Civil	<a href="#">Memorandum that Civil Case is at Issue</a>	FL-5	M	4/1/04
Family Law	<a href="#">Stipulation and Order</a>	FL-6	M	4/1/04
Family Law	<a href="#">Objections to Exhibits of Petitioner/Respondent</a>	FL-9	M	4/1/04

Family Law	<a href="#">Notice of Motions in Limine</a>	FL-10	M	4/1/04
Family Law	<a href="#">List of Witnesses</a>	FL-11	M	4/1/04
Family Law	<a href="#">Uncontested Calendar Request</a>	FL-7	M	3/1/04
Probate	<a href="#">Caregiver Authorization Affidavit</a>	PR-4	M	3/1/04
Probate	<a href="#">Request for Appointment of California Probate Referee</a>	PR-5	M	3/1/04
Probate	<a href="#">Uncontested Calendar Request</a>	PR -7	M	3/1/04
Traffic	<a href="#">Instructions to Defendant (Trial by Written Declaration)</a>	TR-200	M	1/1/99
Traffic	<a href="#">Request for Trial by Written Declaration</a>	TR-205	M	1/1/99

**ATTACHMENT “I”  
LOCAL COURT FORMS LIST  
ALPHABETICAL**

Category	Form Name	Form Number	Mandatory (M) Optional (O)	Revision Date
Family Court Services	<a href="#">Acknowledgement Guidelines for Support Person</a>	FCS-3	M	12/1/11
Family Court Services	<a href="#">Acknowledgement Guidelines for Support Person (Spanish)</a>	FCS-3a	M	10/1/11
ADR	<a href="#">ADR Financial Aid Application</a>	ADR-9	M	6/1/11
ADR	<a href="#">ADR Program Panelist Application and Instructions</a>	ADR-10	M	6/1/11
Adoption	<a href="#">Adult Adoption Agreement</a>	Adopt-5	M	9/1/12
Adoption	<a href="#">Adult Adoption-Consent of Spouse</a>	Adopt-11	M	9/1/12
Adoption	<a href="#">Adult Adoption Order</a>	Adopt-6	M	9/1/12
Adoption	<a href="#">Adult Adoption Petition</a>	Adopt-4	M	9/1/12
Traffic	<a href="#">Advice of Rights - Traffic Violations (Notice)</a>	TR-21	M	7/1/10
Traffic	<a href="#">Advisement and Acknowledgment of Rights; Entry of Guilty or No Contest Plea; Request for Reduction of Fine</a>	TR-34	M	1/1/22
Probate	<a href="#">Affidavit to comply with CA Probate Code §§ 13100-13115</a>	PR-8	M	1/1/22
Traffic	<a href="#">Agreement to Pay and Forfeit Bail in Installments (Central Branch)</a>	<a href="#">TR-300 (Central Branch)</a>	M	11/1/10
Traffic	<a href="#">Agreement to Pay and Forfeit Bail in Installments (Southern Branch Annex)</a>	<a href="#">TR-300 (Southern Branch Annex)</a>	M	11/1/10

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Civil	<a href="#">Application and Declaration in Support of Request to Dispense with Notice to Minor's Parent (fillable)</a>	CV-66	M	3/1/09
Criminal	<a href="#">Application of Defendant for the Court to Declare Conviction Offense a Misdemeanor</a>	CR-40	M	6/1/04
Civil	<a href="#">Appointment of Official Reporter Pro Tempore</a>	CV-68	M	1/1/23
Family Court Services	<a href="#">Authorization for Release of Records &amp; Protected Health Information</a>	FCS-2	M	6/1/10
Juvenile	<a href="#">Aviso De Responsabilidad De Reembolso Por Abogado Nombrado Por La Corte En Actuaciones De Dependencia De Menores</a>	JV-11 Spanish	M	9/1/11
Probate	<a href="#">Caregiver Authorization Affidavit</a>	PR-4	M	3/1/04
Traffic	<a href="#">Chinese Advice of Rights</a>	TR-21b	M	7/1/10
ADR	<a href="#">Civil Stipulation and Order to ADR Form and Instructions</a>	ADR-CV-1	M	1/1/22
Family Court Services	<a href="#">Client Comment Form</a>	FCS-1	M	5/1/04
ADR	<a href="#">Client Evaluation</a>	ADR-CV-5	M	1/1/22
ADR	<a href="#">Confidential Evaluation By Neutral</a>	ADR-CV-7	M	1/1/22
Probate	<a href="#">Confidential General Plan</a>	PR-22	M	9/1/11
Probate	<a href="#">Confidential Status Report</a>	PR-19	M	2/1/10
Probate	<a href="#">Confidential Status Report (Word, fillable)</a>	PR-19	M	2/1/10
Probate	<a href="#">Conservatee's Change of Address</a>	PR-1 Move	M	10/9/07
Probate	<a href="#">Conservatee's Information and List of Relatives</a>	PR-1	M	8/1/09
Probate	<a href="#">Conservatee's Information and List of Relatives (Word, fillable)</a>	PR-1	M	8/1/09
ADR	<a href="#">Court ADR Information Sheet</a>	ADR-CV-8	M	9/1/10
Small Claims	<a href="#">Declaration and Motion for Order Amending Judgment</a>	SC-21	M	1/1/22
Probate	<a href="#">Declaration in Support of Waiver of Accountings</a>	PR-24	M	3/1/08
Juvenile	<a href="#">Declaration of Financial Condition Made Under Penalty of Perjury to Obtain the Services of Court Appointed Counsel / Declaración Financiera Realizada Bajo Pena De Perjurio Para Obtener Los Servicios De Un Abogado Designado Por La Corte</a>	JV-12 (English/Spanish)	M	1/1/22
Family Law	<a href="#">Declaration Re Notice of Ex-parte Appl. for Orders</a>	FL-8	M	10/1/10
Family Law	<a href="#">Declaration Re Notice of Ex-parte Appl. for Orders (Word, fillable)</a>	FL-8a	M	10/1/10

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Small Claims	<a href="#">Declaration Re Satisfaction of Judgment</a>	SC-3	M	5/1/10
Small Claims	<a href="#">Declaration Re. Lost Copy</a>	SC-31	M	1/1/22
Probate	<a href="#">Declaration RE: Notice of Exparte Application for Orders</a>	PR-9	M	9/1/08
Criminal	<a href="#">Declaration to Obtain Services of Court Appointed Counsel</a>	CR-2a	M	6/1/04
Family Court Services	<a href="#">DV Information Sheet Day of Court Mediation.pdf</a>	FCS-6	M	2/1/11
Traffic	<a href="#">English/Spanish Advice of Rights - Traffic Violations (Notice)</a>	TR-21 Eng/Span	M	7/1/10
ADR	<a href="#">Evaluation by Attorney</a>	ADR-CV-6	M	1/1/22
ADR	<a href="#">Ex Parte Motion and Stipulation to Extend Jurisdiction of Arbitrator (fillable)</a>	ADR-CSARB	M	1/1/22
Probate	<a href="#">Filing of Guardianship Petition</a>	PR-20	M	7/1/11
Probate	<a href="#">Guardianship Declaration Confidential</a>	PR-18	M	8/1/09
Family Court Services	<a href="#">Guardianship Information Sheet</a>	FCS-8	M	11/1/10
Family Court Services	<a href="#">Guardianship Information Sheet Day of Court Mediation</a>	FCS-7	M	10/1/11
Family Court Services	<a href="#">Information Sheet Day of Court Mediation</a>	FCS-5	M	2/1/11
Family Court Services	<a href="#">Information Sheet Mediation &amp; Evaluation</a>	FCS-4	M	10/1/11
Family Court Services	<a href="#">Instrucciones Para Los Interpretes</a>	FCS-10 Spanish	M	7/1/10
Probate	<a href="#">Instructions for Lodging Original Financial Statements Prob.C. 2620 C</a>	PR-26	M	6/1/10
Traffic	<a href="#">Instructions to Defendant (Trial by Written Declaration)</a>	TR-200	M	1/1/99
Family Court Services	<a href="#">Interpreter Acknowledgment</a>	FCS-11	M	6/1/10
Family Court Services	<a href="#">Interpreter Instructions</a>	FCS-10	M	6/1/10
ADR	<a href="#">Juvenile Dependency Mediation Evaluation Form</a>	ADR-JV-1	M	9/1/10
Probate	<a href="#">List of Conservatee's Relatives/Friends (Attachment to PR-1)</a>	PR-1A	M	8/1/09
Family Law	<a href="#">List of Proposed Exhibits</a>	FL-9a	M	7/1/08
Family Law	<a href="#">List of Witnesses</a>	FL-11	M	4/1/04

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Family Law	<a href="#">Mandatory Short Cause Trial Statement</a>	FL-12	M	1/1/16
Civil	<a href="#">Memorandum that Civil Case is at Issue</a>	FL-5	M	4/1/04
ADR	<a href="#">Neutral Evaluation Guidelines</a>	ADR-CV-4	M	10/1/10
Civil	<a href="#">Newspaper Listings</a>	PR-13	M	2/1/11
Probate	<a href="#">Newspaper Listings</a>	PR-13	M	1/1/22
Family Law	<a href="#">Notice of ADR Options</a>	FL-2	M	10/1/06
Family Law	<a href="#">Notice of Motions in Limine</a>	FL-10	M	4/1/04
Juvenile	<a href="#">Notice of Responsibility for Reimbursement for Court Appointed Counsel in Dependency Proceedings</a>	JV-11	M	8/1/11
Probate	<a href="#">Notice to Court of Death</a>	PR-23	M	8/1/08
Probate	<a href="#">Notification to Court of Addresses for Guardianship</a>	PR-2	M	1/1/23
Family Law	<a href="#">Objections to Exhibits of Petitioner/Respondent</a>	FL-9	M	4/1/04
Civil	<a href="#">Order Appointing Special Master</a>	CV-67	M	8/1/10
Adoption	<a href="#">Petition to Obtain Information From Original Birth Record-Adoptee</a>	Adopt-9	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Original Birth Record-Interested Party</a>	Adopt-10	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Superior Court Adoption File-Adoptee</a>	Adopt-7	M	9/1/12
Adoption	<a href="#">Petition to Obtain Information From Superior Court Adoption File-Interested Party</a>	Adopt-8	M	9/1/12
ADR	<a href="#">Probate Stipulation and Order to ADR Form and Instructions</a>	ADR-CV-2	M	1/1/22
Criminal	<a href="#">Proposition 36 Dismissal Order Pursuant to Penal Code Section 1210.1</a>	CR-76	M	7/1/09
Criminal	<a href="#">Proposition 36 Petition for Dismissal of Charges</a>	CR-75	M	7/1/09
Probate	<a href="#">Receipt for Lodged Original Financial Statements</a>	PR-27	M	1/1/08
Small Claims	<a href="#">Release of Exhibits</a>	SC-6	M	1/1/22
Civil	<a href="#">Request for an Official Court Reporter for Civil Court Proceedings</a>	CV-69	M	1/1/23
Probate	<a href="#">Request for Appointment of California Probate Referee</a>	PR-5	M	3/1/04

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Small Claims	<a href="#">Request for Dismissal (fillable)</a>	SC-24	M	1/1/22
Criminal	<a href="#">Request for Forensic Evaluation Fee Variance</a>	CR-168	M	5/1/08
Traffic	<a href="#">Request for Trial by Written Declaration</a>	TR-205	M	1/1/99
Family Law	<a href="#">Request to Set Status Conference</a>	FL-14	M	7/1/08
Family Court Services	<a href="#">Separate Mediation and Support Person Policy</a>	FCS-9	M	4/1/09
Small Claims	<a href="#">Small Claims Advisor Workshop</a>	SC-5	M	1/1/22
Criminal	<a href="#">Spanish Declaration to Obtain Services of Court Appointed Counsel</a>	CR-2a Spa	M	6/1/04
Family Court Services	<a href="#">Spanish DV Information Sheet Day of Court Mediation</a>	FCS-6a Spanish	M	2/1/11
Family Court Services	<a href="#">Spanish Guardianship Information Form</a>	FCS-8a	M	11/1/10
Family Court Services	<a href="#">Spanish Guardianship Information Sheet Day of Court Mediation</a>	FCS-7a Spanish	M	11/1/11
Family Court Services	<a href="#">Spanish Information Sheet Day of Court Mediation</a>	FCS-5a Spanish	M	2/1/11
Family Court Services	<a href="#">Spanish Information Sheet Mediation &amp; Evaluation</a>	FCS-4a Spanish	M	10/1/11
Traffic	<a href="#">Spanish Waiver of Rights for Entry of Plea of Guilty</a>	CR-TR-33a SPA	M	6/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(A) VC</a>	TR-22a SPA	M	7/1/04
Traffic	<a href="#">Spanish Waiver of Rights for Informal Hearing 40901</a>	TR-23a SPA	M	7/1/04
ADR	<a href="#">Statement of Nonagreement</a>	ADR-CV-11	M	1/1/22
Family Law	<a href="#">Status Conference &amp; Trial Setting Order</a>	FL-4	M	3/1/07
Family Law	<a href="#">Status Conference Statement</a>	FL-3	M	1/1/09
Family Law	<a href="#">Stipulation and Order</a>	FL-6	M	4/1/04
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Family Law	<a href="#">Stipulation for Appointment or Removal of Mediator</a>	FL-18	M	1/1/22
Civil	<a href="#">Stipulation for Court Commissioner to Act as Temporary Judge for all Purposes</a>	AD-10	M	1/1/22
ADR	<a href="#">Stipulation to Mediation in Lieu of Judicial Arbitration</a>	ADR-CV-3	M	1/1/12
Civil	<a href="#">Uncontested Calendar and Prove Up Hearing Request</a>	CV-P1	M	1/1/22



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Probate	<a href="#">Uncontested Calendar Request</a>	PR -7	M	3/1/04
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Criminal	<a href="#">Waiver of Right to Counsel and Order Permitting Appearance in Propria Persona</a>	CR-25	M	7/1/23
Traffic	<a href="#">Waiver of Rights for Entry of Plea of Guilty or Nolo 14601.1(a) VC</a>	TR-22	M	7/1/04
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Traffic	<a href="#">Waiver of Rights for Informal Hearing 40901</a>	TR-23	M	7/1/04
Criminal	<a href="#">Waiver of Right to Counsel and Order Permitting Appearance in Propria Persona</a>	CR-25	M	7/1/23
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