



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

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March 30, 2010

To All Interested Persons,

The Court is proposing to make changes to its Local Court Rules. These new changes will become effective on July 1, 2010 when adopted. The court invites you to review and provide your comment on these proposals as required by the State of California Rules of Court, Rules 10.613.

To navigate through the document, go to the next page "Table of Proposed Local Rules" and click on the link to the proposal you want to view. The link will take you to that page.

You may send your comments to:

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

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

Comments must be received in our office no later than 4 PM, Thursday, May 13, 2010.

Sincerely,  
John C. Fitton, Court Executive Officer

A handwritten signature in black ink that reads "Timothy J. Gee".

By: Timothy Gee  
Court Rules Committee Staff

**TABLE OF PROPOSED LOCAL RULE CHANGES SET SPRING 2010**

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## Proposal Number SP10-01

### Division V – Rule 5.7 Order to Show Cause and Notification of Relief

Summary: Change the calculation of number of days to file response and reply papers for Motions and Order to Show Causes to conform to the Code of Civil Procedure section 1005.

#### Rule 5.7 Order to Show Cause and Notice of Motion Rules

##### A. Moving and Responsive Papers

1 Moving Papers: Unchanged.

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

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The other provisions of Rule 5.7 are unchanged.

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

<b>Proposal Number SP10-02</b>	
<b>Title</b>	<b>LOCAL RULE 5.13</b>
<b>Summary</b>	Proposal corrects the citation to the California Rules of Court to the current citation (replaces the old rule number).
<b>Proposed Changes</b>	<p>5.13 Family Court Services</p> <p>Sections A &amp; B are unchanged</p> <p>C. Court Ordered Private Child Custody Evaluations:</p> <p>1. Court appointed evaluators shall abide by the requirements of Rule <del>5.220, et seq.</del> Uniform Standards of Practice of the Court Ordered child custody evaluation in the California Rules of Court.</p> <p>Subsections 2-12 remain unchanged.</p> <p>(Adopted, effective January 1, 2000)(Renumbered (formerly 5.11)and Amended, effective January 1, 2004) (Amended, effective January 1, 2005) <u>(Amended, effective July 1, 2010)</u></p>

Deleted: 1257.3

<b>Proposal Number SP10-03</b>	
<b>Title</b>	<b>DIVISION 8 –APPOINTMENT OF SPECIAL MASTERS AND REFEREES FOR THE HANDLING OF COMPLEX CASES</b>
<b>Summary</b>	Adds the requirement that the parties use the court’s form order for appointing a special master.
<b>Proposed Changes</b>	<p><u>Rule 8.7 Court Order</u></p> <p>Upon determination by the presiding judge that reference to a special master or referee should be made, the presiding judge shall sign and file an order designating the special master and referee and fixing compensation pursuant to this rule. <u>In regard to appointment of special masters, the court designates its form order entitled “Order Appointing Special Master[Local Form number CV-67]” as the mandatory order to be submitted to the presiding judge.</u> The presiding judge, upon recommendation of the special master or referee, may allocate compensation among parties on an equitable basis.</p> <p style="text-align: center;">(Adopted, effective July 1, 1996) <u>(Amended, effective July 1, 2010)</u></p>

<b>Proposal Number SP10-04</b>	
<b>Title</b>	<b>LOCAL RULES DIVISION 4 – RULE 4.81.1</b>
<b>Summary</b>	Court Investigators are seeking that Judicial Council Form GC-336 (Ex Parte Order Authorizing Disclosure of Proposed Conservatee’s Health Information to Court Investigator (HIPPA) (GC-336) become a required form in all conservatorship petitions filings so that the order can be signed allowing the Investigators access to the Conservatee’s medical records.
<b>Proposed Changes</b>	<p>Rule 4.81.1 Petition for Appointment of a Conservator.</p> <p>A. A petition for establishment of a conservatorship requires the following forms:</p> <ul style="list-style-type: none"> <li>(1) Petition for Appointment of Probate Conservator (GC-310);</li> <li>(2) Confidential Supplemental Information (GC-312);</li> <li>(3) Notice of Hearing (GC-020);</li> <li>(4) Order Appointing Court Investigator (GC-330);</li> <li><u>(5) Ex Parte Order Authorizing Disclosure of Proposed Conservatee’s Health Information to Court Investigator (HIPPA) (GC-336)</u></li> <li>(6) Capacity Declaration-Conservatorship (GC-335 );</li> <li>(7) Dementia Attachment to Capacity Declaration (GC-335A)</li> <li>(8) Citation (GC-320);</li> <li>(9) Confidential Conservator Screening (GC-314);</li> <li>(10) Duties of Conservator and Acknowledgment of Receipt of Handbook (GC-348);</li> <li>(11) Conservatee’s Information and List of Relatives (Local Court Form PR-1); and</li> <li>(12) Appointment of Probate Referee (Estate) local form.</li> </ul> <p>Sections B-D are unchanged.</p> <p>(Adopted, effective July 1, 2004 [former Rule 4.81(a)]) (Amended 1/1/05)(Amended, July 1, 2005) (Amended, effective January 1, 2009) <u>(Amended, effective July 1, 2010).</u></p>

<b>Proposal Number SP10-05</b>	
<b>Title</b>	<b>NEW LOCAL COURT FEE OF \$425 FOR CONDUCTING INVESTIGATIONS ON TEMPORARY CONSERVATORSHIPS AS REQUIRED BY PROBATE CODE 2260.6</b>
<b>Summary</b>	<p>The local court is allowed by statute (Probate Code §1851.5) to assess a fee for any investigation or review conducted by a court investigator. In a conservatorship proceeding, if there is a conservatorship or trust estate, a fee is assessed unless the Court defers the payment as a result of hardship; namely, the estate is at a Medi-Cal eligibility level. If the conservatorship is of person only, the fee assessment is deferred. If the guardianship is of person only, the fee assessment is waived.</p> <p>Probate Code §2260.6 requires that an investigation be conducted by the court for each temporary conservatorship petition. The fee of \$425 that will be charged is one-half the cost of a regular conservatorship investigation. Due to the nature of the investigation and the short time line within which to conduct the investigation and to submit the report to the court, the Court determined that this fee is reasonable in light of the circumstances.</p>
<b>Proposal</b>	<p><u><a href="#">The Court will begin to charge \$ 425 for all temporary conservatorship investigations effective July 1, 2010.</a></u></p>