



**SUPERIOR COURT OF CALIFORNIA
COUNTY OF TUOLUMNE**
Jeanine D. Tucker, Court Executive Officer
41 W. Yaney Avenue
Sonora, CA 95370

March 30, 2017

Proposed Amendments to Local Rules and Forms to Become Effective July 1, 2017

Pursuant to California Rules of Court, rule 10.613, subdivision (g), the following proposed amendments to the local rules and forms are hereby distributed for comment.

Public comments must be submitted in writing and directed to Jeanine D. Tucker, Court Executive Officer, Superior Court of California, County of Tuolumne, 41 W. Yaney Avenue, Sonora, CA 95370. Comments must be received no later than 3:00 p.m. on May 12, 2017.

During this cycle, we propose amendments affecting fifteen local rules. A high-level summary of the proposed amendments, along with brief explanations of the reasons for the proposals, is provided in the first table below. Attached to this document is the text of each rule as it would appear if the proposals are adopted, accompanied by redlined changes to the existing rules that reflect exactly how the existing rules would change.

In addition, we propose the adoption of one new local form for management of civil cases assigned to the Honorable Kevin M. Seibert, the adoption of five new local forms to implement proposed new rule 2.04.1, and the revocation of one local form that will not be necessary after April 3, 2017. The new forms are listed in the second table below and attached to this document after the text of proposed rule 2.04.1.

Rule	Proposed Action	Explanation
2.04.1	Add	Provide a fast and informal means of resolving discovery issues in civil cases using limited paperwork and informal discovery conferences. Modeled after Fresno County Superior Court's local rule 2.1.17.
5.16.0	Amend	Establish procedures for posting notices at the courthouse concerning the sale of real property in decedent's estate cases.
5.17.1	Add	Standardize accountings in decedent's estate cases with respect to the issues covered by Probate Code section 1064, subdivision (a) and thereby reduce unnecessary delays in approving accountings.
6.01.0	Amend	Delete provisions in subdivision (a) that merely duplicate requirements of Probate Code section 2250.
6.03.0	Amend	Clarify acceptable ways for petitioners to request independent powers under Probate Code sections 2590 and 2591 in conservatorship and guardianship cases. Eliminate the requirement that a separate attachment to the petition be filed for this purpose in all cases.

6.05.0	Amend	Address widespread noncompliance with the existing rule governing notice of a conservatee's or ward's residence by (1) deleting a provision that merely duplicates requirements in the instructions of mandatory Judicial Council forms, (2) allowing multiple methods of satisfying the requirement in connection with accountings, and (3) pointing litigants to other authorities governing changes in residence.
6.07.0	Revoke	Revoke as duplicative of other authorities: instructions on mandatory Judicial Council form FL-105/GC-120; Probate Code section 2352; California Rules of Court, rule 7.1013; and local rule 6.02.0.
6.09.0	Amend	Consolidate rules governing inventories and appraisals for ease of use: move provision from current rule 6.11.0 to proposed new subdivision (b).
6.10.0	Revoke	Revoke as duplicative of Probate Code section 2610 and language that routinely appears in the Court's probate notes and probate minute orders.
6.11.0	Revoke	Move existing provisions to more appropriate places within the local rules: rules 6.09.0 (inventories and appraisals) and 6.14.0 (accountings). Substantive requirements would be preserved.
6.12.0	Amend	Delete provisions that merely duplicate existing law regarding accountings (Probate Code section 2620, subdivision (a)) and the requirement to use mandatory Judicial Council form GC-310 for petitions to appoint successor conservators.
6.13.0	Amend	Establish procedures for posting notices at the courthouse concerning the sale of property of a conservatee's or ward's estate.
6.14.0	Amend	Standardize accountings in cases involving conservatorships and guardianships of the estate with respect to the issues covered by Probate Code section 1064, subdivision (a) and thereby reduce unnecessary delays in approving accountings. Increase clarity regarding notice requirements. Consolidate rules governing accountings for ease of use: move provision from current rule 6.11.0 to proposed new subdivision (d), and move current rule 6.15.0 in its entirety to proposed new subdivision (e).
6.15.0	Revoke	Move rule in its entirety to rule 6.14.0.
11.02.0	Revoke	Revoke as unnecessary after April 3, 2017, when the statewide traffic tickets/infractions amnesty program that began on October 1, 2015, expires.

Form	Proposed Action	Explanation
TUO-CV-250	Add	Adopt new standing case management order for civil cases assigned to the Honorable Kevin M. Seibert.
TUO-CV-275	Add	Implement proposed new rule 2.04.1 re informal discovery conferences.
TUO-CV-300	Add	Implement proposed new rule 2.04.1 re informal discovery conferences.
TUO-CV-325	Add	Implement proposed new rule 2.04.1 re informal discovery conferences.
TUO-CV-350	Add	Implement proposed new rule 2.04.1 re informal discovery conferences.
TUO-CV-350(a)	Add	Implement proposed new rule 2.04.1 re informal discovery conferences.
TUO-TRF-200	Revoke	Revoke as unnecessary after April 3, 2017, when the statewide traffic tickets/infractions amnesty program that began on October 1, 2015, expires.

Finally, outside of this cycle, we have reformatted the form fields on each of our existing local forms for consistency and ease of use. Because of the formatting change, each local form now has a revised date of March 1, 2017.

Rule 2.04.1

Proposed new rule

2.04.1 Resolution of Discovery Disputes: It is the Court's policy to attempt to resolve discovery disputes informally and efficiently. Accordingly, the Court has instituted special procedures for the resolution of discovery disputes through Informal Discovery Conferences, which must be scheduled on local forms that are available from the clerk's office and on the Court's Web site. Filing a request for an Informal Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues, as detailed below. These procedures are intended to provide a fast and informal means of resolving discovery issues using limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

- a. Prior to the discovery cut-off in an action, no motion under the California Civil Discovery Act (Code Civ. Proc., § 2016.010 et seq.) shall be filed or heard unless the moving party has first filed a written Request for Informal Discovery Conference ("Request") and the Court has acted or is deemed to have acted on that Request in any manner set forth in subdivision (f) below.
- b. Following a reasonable and good-faith attempt to achieve an informal resolution of each issue to be presented (which should include both written and either in-person or telephone communication), a party may request an Informal Discovery Conference. The party requesting the Informal Discovery Conference must file a Request with the clerk's office on local form TUO-CV-250 and serve the opposing party pursuant to any authorized or agreed-upon method of service that ensures the opposing party receives the Request no later than the next court day following the filing.
- c. The opposition to a Request must be made using local form TUO-CV-275, must be filed within five (5) court days of receipt of the Request, and must be served on the party that requested the Informal Discovery Conference pursuant to any authorized or agreed-upon method of service that ensures the party receives the opposition no later than the next court day following the filing.
- d. No other pleadings regarding the discovery dispute, including but not limited to exhibits, declarations, or attachments, will be accepted, except for a privilege log, if required (see subdivision (e) below).
- e. Where privilege is a basis for refusal to produce documents, privilege logs must be provided. The privilege log shall identify all sending and receiving persons or entities, as well as include information sufficient to apprise the opposing party and the Court of the basis for the asserted privilege.

- f. Court's action on a Request for Informal Discovery Conference
 - 1. If the Court acts on the Request, the parties will be notified whether it has been granted or denied and, if granted, the date and time of the Informal Discovery Conference. The Court will use local form TUO-CV-325 for this purpose. The Informal Discovery Conference will be calendared to be held within thirty (30) days of the filing of the Request.
 - 2. If the Court has not granted or denied the Request within fifteen (15) days following the filing of the Request, then it shall be deemed to have been denied at that time.
 - 3. If the Informal Discovery Conference is not held within thirty (30) days of the filing of the Request, then the Request shall be deemed to have been denied at that time, unless the time for holding it has been extended by agreement of the parties and the Court.
- g. At the Informal Discovery Conference, the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
- h. If (1) the Court has denied the Request, (2) one of the deadlines above has expired without the Court's having acted, or (3) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
- i. The time for making a motion to compel or other discovery motion regarding the disputed issues is tolled from the date of filing of the Request until the Request is denied or deemed denied, unless extended by order of the Court.
- j. Nothing herein shall preclude any party from applying ex parte for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
- k. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act falls on a Saturday, Sunday, or court holiday, then the time for performing that act shall be extended to the next court day.
- l. Refusal by any counsel to participate in an Informal Discovery Conference shall, in the discretion of the Court, be grounds for entry of an order adverse to the party represented by counsel so refusing or adverse to that counsel. Failure to file written opposition to the merits underlying a Request will be considered refusal to participate. When there is no written opposition to the merits of the Request, the Court may, in its discretion, enter an order adverse to the non-responding party or counsel.

SUPERIOR COURT OF CALIFORNIA
 COUNTY OF TUOLUMNE
 41 W. Yaney Avenue
 Sonora, CA 95370
 Phone: (209) 533-5555

Space below for use of Court Clerk only

**STANDING CASE MANAGEMENT ORDER
 FOR CASES ASSIGNED TO
 THE HONORABLE KEVIN M. SEIBERT**

Case Number:

INSTRUCTIONS TO PLAINTIFF(S)/CROSS-COMPLAINANT(S):

You must serve a copy of this Standing Case Management Order on all defendants/cross-defendants at the same time the complaint/cross-complaint is served.

I. GENERAL MATTERS

A. It is the Court's policy to provide a dignified forum in which to resolve disputes in a professional, legally correct and expeditious manner. All of the following rules are designed to achieve these goals. It is not the Court's intention to prohibit a party from raising any issue by any means allowed by court rule or statute. If any of the rules or procedures set forth herein creates a problem, counsel should raise the matter with the Court at the earliest opportunity after the parties have appeared.

B. Unless otherwise ordered, electronic communication with the courtroom clerk is permissible for routine communications having to do with scheduling, stipulated continuances, and/or joint requests. Substantive arguments are not permitted unless approved in advance by the Court. Opposing counsel should be copied on any correspondence with the clerk in order to avoid ex parte communications. The clerk's email address is: courtclerks@tuolumne.courts.ca.gov.

C. Counsel should silence all audible telephones and pagers and instruct their clients and witnesses to do so when in the courtroom. Communication devices worn on the head are not permitted in the courtroom.

II. CASE MANAGEMENT CONFERENCES ("CMCs")

A. Unless otherwise specifically ordered, CMC statements are required to be filed in accordance with the California Rules of Court. The Court expects that counsel will be prepared to discuss the current status of the case, discovery, amenability to mediation, and any unusual factual, legal, or evidentiary issues that may need resolution. Item 16

of the Judicial Council's mandatory Case Management Statement form (CM-110) requires details on anticipated discovery, including specific dates for completion of the anticipated discovery. Descriptions such as "per code" or "ongoing" do not meet the requirement to provide details and therefore are not acceptable. Counsel who fail to appear at a CMC, or who fail to timely file and serve a CMC statement, will typically be required to appear at an OSC hearing regarding why sanctions should not be imposed. The initial sanction amount is ordinarily \$150.00.

III. LAW AND MOTION MATTERS

A. To the extent practicable, the Court will post tentative rulings on law and motion matters in unlimited-jurisdiction civil cases on the Court's website no later than 3:00 p.m. on the day before the hearing. The Court's website is located at www.tuolumne.courts.ca.gov.

B. When parties agree to submit a matter based on a tentative ruling or to have a matter taken off calendar, counsel should promptly notify both the courtroom clerk and the Court's research attorney. Such notification is important in order to avoid unnecessary commitment of judicial resources to moot matters. The research attorney's email address is klew@tuolumne.courts.ca.gov.

C. The parties are strongly encouraged to "preview" complicated law and motion matters with the Court at CMCs. This procedure may obviate or narrow the scope of summary judgment motions and other matters that depend heavily on controverted facts, and it will save time and effort of all involved.

D. Discovery Dispute Resolution Procedures: It is the Court's policy to attempt to resolve discovery disputes informally and efficiently. Accordingly, the Court has instituted special procedures for the resolution of discovery disputes through Informal Discovery Conferences, which must be scheduled on local forms that are available from the clerk's office and on the Court's Web site. Filing a request for an Informal Discovery Conference tolls the time for filing a motion to compel discovery on the disputed issues, as detailed below. These procedures are intended to provide a fast and informal means of resolving discovery issues using limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

1. Prior to the discovery cut-off in this action, no motion under the California Civil Discovery Act (Code Civ. Proc., § 2016.010 et seq.) shall be filed or heard unless the moving party has first filed a written Request for Informal Discovery Conference ("Request") and the Court has acted or is deemed to have acted on that Request in any manner set forth in paragraph 6 below.
2. Following a reasonable and good-faith attempt to achieve an informal resolution of each issue to be presented (which should include both written and either in-person or telephone communication), a party may request an Informal Discovery Conference. The party requesting the Informal Discovery

- Conference must file a Request with the clerk's office on the approved form TUO-CV-275 and serve the opposing party pursuant to any authorized or agreed-upon method of service that ensures the opposing party receives the Request no later than the next court day following the filing.
3. The opposition to a Request must be made using local form TUO-CV-300, must be filed within five (5) court days of receipt of the Request, and must be served on the party that requested the Informal Discovery Conference pursuant to any authorized or agreed-upon method of service that ensures the [party receives the opposition no later than the next court day following the filing.
 4. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted, except for a privilege log, if required (see below).
 5. Where privilege is a basis for refusal to produce documents, privilege logs must be provided. The privilege log shall identify all sending and receiving persons or entities, as well as include information sufficient to apprise the opposing party and the Court of the basis for the asserted privilege.
 6. Court's action on a Request for Informal Discovery Conference
 - a. If the Court acts on the Request, the parties will be notified whether it has been granted or denied and, if granted, the date and time of the Informal Discovery Conference. The Court will use local form TUO-CV-325 for this purpose. The Informal Discovery Conference will be calendared to be held within thirty (30) days of the filing of the Request.
 - b. If the Court has not granted or denied the Request within fifteen (15) days following the filing of the Request, then it shall be deemed to have been denied at that time.
 - c. If the Informal Discovery Conference is not held within thirty (30) days of the filing of the Request, then the Request shall be deemed to have been denied at that time, unless the time for holding it has been extended by agreement of the parties and the Court.
 7. At the Informal Discovery Conference, the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
 8. If (a) the Court has denied the Request, (b) one of the deadlines above has expired without the Court's having acted, or (c) the Informal Discovery

- Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
9. The time for making a motion to compel or other discovery motion regarding the disputed issues is tolled from the date of filing of the Request until the Request is denied or deemed denied, unless extended by order of the Court.
 10. Nothing herein shall preclude any party from applying ex parte for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
 11. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act falls on a Saturday, Sunday, or court holiday, then the time for performing that act shall be extended to the next court day.
 12. Refusal by any counsel to participate in an Informal Discovery Conference shall, in the discretion of the Court, be grounds for entry of an order adverse to the party represented by counsel so refusing or adverse to that counsel. Failure to file written opposition to the merits underlying a Request will be considered refusal to participate. When there is no written opposition to the merits of the Request, the Court may, in its discretion, enter an order adverse to the non-responding party or counsel.

IV. TRIAL

When cases are set for trial, counsel shall obtain the Department 4 Trial Management Order from the Court.



HON. KEVIN M. SEIBERT
JUDGE OF THE SUPERIOR COURT

Attorney or Unrepresented Party (name, address and phone no.): California Bar No.:	Space below for use of Court Clerk only
Attorney for (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 41 West Yaney Avenue Sonora, CA 95370 (209) 533-5555	
Plaintiff:	
Defendant:	Case Number:
REQUEST FOR INFORMAL DISCOVERY CONFERENCE	

1. Deadline for Court to decide on Request: _____
(Insert date 15 calendar days following filing of the Request.)
2. Deadline for Court to hold Informal Discovery Conference: _____
(Insert date 30 calendar days following the filing of the Request.)
3. Briefly describe the nature of the discovery dispute, including the meet-and-confer efforts prior to filing this Request, the facts and legal arguments at issue, and the specific relief requested:

Continued on Page 2

This Request must be served on opposing counsel or party pursuant to any authorized or agreed-upon method of service that ensures the opposing side receives the Request no later than the next court day following the filing. Any opposition must be filed within five (5) court days of receipt of this Request and served on opposing counsel or party pursuant to any authorized or agreed-upon method of service that ensures the opposing counsel or party receives the opposition no later than the next court day following the filing. This form must be prepared using 12-point type and may not exceed 2 pages.

PARTIES:	CASE NO.:
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(Continued from Page 1) Briefly describe the nature of the discovery dispute, including the meet-and-confer efforts prior to filing this Request, the facts and legal arguments at issue, and the specific relief requested:

DRAFT

DATED: _____

Printed name of Party or Attorney for Party

Signature of Party or Attorney for Party

Attorney or Unrepresented Party (name, address and phone no.): California Bar No.:	Space below for use of Court Clerk only
Attorney for (Name): SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 41 West Yaney Avenue Sonora, CA 95370 (209) 533-5555	
Plaintiff:	
Defendant:	Case Number:
OPPOSITION TO REQUEST FOR INFORMAL DISCOVERY CONFERENCE	

Briefly describe why the Court should deny the requested relief, including the facts and legal arguments at issue:

Continued on page 2

This Opposition must be served on opposing counsel or party pursuant to any authorized or agreed-upon method of service that ensures the opposing side receives this Opposition no later than the next court day following the filing. Any opposition must be filed within five (5) court days of receipt of a Request for Informal Discovery Conference. This form must be prepared using 12-point type and may not exceed 2 pages.

PARTIES:	CASE NO.:
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(Continued from page 1) Briefly describe why the Court should deny the requested relief, including the facts and legal arguments at issue:

DRAFT

DATED: _____

Printed name of Party or Attorney for Party

Signature of Party or Attorney for Party

SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 41 West Yaney Avenue Sonora, CA 95370 (209) 533-5555	Space below for use of Court Clerk only
Plaintiff: Defendant:	
ORDER ON REQUEST FOR INFORMAL DISCOVERY CONFERENCE	Case Number:

The Request for Informal Discovery Conference is:

Granted.

The Informal Discovery Conference is set for _____ at _____ a.m./_____ p.m. in Dept. ____.

The time for filing a motion to compel discovery on the disputed issues is tolled until the date set for the Informal Discovery Conference.

Refusal of any counsel or unrepresented party to participate in an Informal Discovery Conference shall be grounds, in the discretion of the Court, for entry of an order adverse to the party represented by counsel so refusing or adverse to that counsel.

Denied for the following reason(s):

- Failure to make request on the mandatory local form
- Insufficient evidence of meet-and-confer efforts prior to filing the Request
- Failure to provide a sufficient summary of the dispute
- Failure to provide a proper privilege log
- Failure to file proof of service of a copy of the Request on the opposing party
- The Court finds that the current dispute will not benefit from an Informal Discovery Conference.
- Other:

Plaintiff(s) Defendant(s) Cross-Complainant(s) Cross-Defendant(s) Other(s) may file a discovery motion limited to the dispute set out in the Request for Informal Discovery Conference.

DATED: _____

 Judge of the Superior Court

ORDER ON REQUEST FOR INFORMAL DISCOVERY CONFERENCE

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 41 West Yaney Avenue Sonora, CA 95370 (209) 533-5555</p>	<p>Space below for use of Court Clerk only</p>
<p>Plaintiff: Defendant:</p>	
<p>ORDER AFTER INFORMAL DISCOVERY CONFERENCE</p>	<p>Case Number:</p>

Conference date: _____ Judge: _____ Dept. _____

The parties, after discussion and negotiation, agree to the following order:

The parties having stipulated that the Court may issue an order adjudicating the merits of the discovery dispute, the Court now rules as follows:

The parties are unable to reach an agreement. _____ may file a motion to:

The motion must be filed by the following date: _____.

DATED: _____

 Judge of the Superior Court

Continued on "Attachment to Order After Informal Discovery Conference"

ORDER AFTER INFORMAL DISCOVERY CONFERENCE

<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF TUOLUMNE 41 West Yaney Avenue Sonora, CA 95370 (209) 533-5555</p>	<p>Space below for use of Court Clerk only</p>
<p>Plaintiff: Defendant:</p>	<p>Case Number:</p>
<p>ATTACHMENT TO ORDER AFTER INFORMAL DISCOVERY CONFERENCE</p>	

DRAFT

IT IS SO ORDERED.

DATED: _____

Judge of the Superior Court

ATTACHMENT TO ORDER AFTER INFORMAL DISCOVERY CONFERENCE

TUO-CV-350(a) Form Adopted for Local Use - New July 1, 2017

Local Rules of the Superior Court of California

Rule 5.16.0

Proposed rule as amended

5.16.0 Sale of Real Property:

- a. Notice must be given to the proposed purchaser or his agent of the time and place of hearing. Appearance is required.
- b. A copy of the contract of sale shall be attached to the petition for confirmation of sale.
- c. Petitions for confirmation of sales of real property shall set forth the amount of bond in force at the time of the sale and the amount of property in the estate that should be covered by a bond. If no additional bond is required or if bond is waived, that fact should be alleged in the petition.
- d. Where the estate owns only a fractional interest in the real property, the petition must state whether the sale is conditional upon closing of a sale of the unowned fraction. The other fractional owner(s) shall be given notice of the hearing. If the whole parcel is being sold, only the fractional interest and its value shall be listed on the petition and used to calculate the overbid.
- e. To request posting of the notice of hearing at the courthouse pursuant to Probate Code section 10308, subdivision (c) and section 1230, the petitioner shall file a written request, directed to the clerk's office, for posting of the notice and shall attach to the request a copy of the notice to be posted. The request shall be filed at least two court days prior to the date on which the posting must begin in order to allow the clerk's office sufficient time to process the request and post the notice. Upon posting the notice, the clerk's office will prepare and file proof of posting, which proof will include the date the posting began.
- f. Overbids: All overbids made in open court must be in writing before the judge will accept the offer and grant the sale.

Current rule with redlined amendments

5.16.0 Sale of Real Property:

- a. Notice must be given to the proposed purchaser or his agent of the time and place of hearing. Appearance is required.
- b. A copy of the contract of sale shall be attached to the petition for confirmation of sale.
- c. Petitions for confirmation of sales of real property shall set forth the amount of bond in force at the time of the sale and the amount of property in the estate that should be

covered by a bond. If no additional bond is required or if bond is waived, that fact should be alleged in the petition.

- d. Where the estate owns only a fractional interest in the real property, the petition must state whether the sale is conditional upon closing of a sale of the unowned fraction. The other fractional owner(s) shall be given notice of the hearing. If the whole parcel is being sold, only the fractional interest and its value shall be listed on the petition and used to calculate the overbid.
- e. To request posting of the notice of hearing at the courthouse pursuant to Probate Code section 10308, subdivision (c) and section 1230, the petitioner shall file a written request, directed to the clerk's office, for posting of the notice and shall attach to the request a copy of the notice to be posted. The request shall be filed at least two court days prior to the date on which the posting must begin in order to allow the clerk's office sufficient time to process the request and post the notice. Upon posting the notice, the clerk's office will prepare and file proof of posting, which proof will include the date the posting began.
- f. Overbids: All overbids made in open court must be in writing before the judge will accept the offer and grant the sale.

Rule 5.17.1

Proposed new rule

5.17.1 Accountings: A petition or report accompanying an accounting filed pursuant to Probate Code section 1060 et seq. shall affirmatively address each of the issues covered by subdivision (a) of Probate Code section 1064, including as follows:

- a. If there were no sales, purchases, changes in the form of assets, or other transactions during the accounting period that are not otherwise readily understandable from the schedules, the petition or report shall so state. If there were any sales, purchases, changes in the form of assets, or other transactions that are not readily understandable from the schedules, an adequate description shall be provided, along with references to any applicable schedule(s), attachments, and/or other documents in the court record.
- b. If there are no unusual items appearing in the account, the petition or report shall so state. If there are any unusual items, an adequate explanation shall be provided, along with references to any relevant schedules, attachments, and/or other documents in the court record.
- c. If no compensation was paid as set forth at section 1064, subdivision (a)(3), the petition or report shall so state.
- d. If there was no family or affiliate relationship between the fiduciary and any agent hired by the fiduciary during the accounting period, the petition or report shall so state.
- e. If the cash has not been invested and maintained as set forth at section 1064, subdivision (a)(5), the petition or report shall so state, and the fiduciary shall provide an explanation.

Rule 6.01.0

Proposed rule as amended

6.01.0 Temporary Conservatorships and Guardianships:

- a. A petition for appointment of a temporary conservator or guardian filed pursuant to Probate Code section 2250 must state facts establishing the urgency requiring appointment of a fiduciary (i.e., situation requiring immediate action to protect the health, welfare, and/or estate of the proposed conservatee or ward). A temporary conservator or guardian shall not be appointed without a hearing and may be appointed without notice only in emergency situations.

Current rule with redlined amendments

6.01.0 Temporary Conservatorships and Guardianships:

- a. ~~The~~ A petition for appointment of a temporary conservator or guardian ~~must be~~ filed pursuant to Probate Code section 2250 with or after the filing of a petition for a permanent conservator or guardian. ~~The petition~~ must state facts establishing the urgency requiring ~~the~~ appointment of ~~the~~ a fiduciary (i.e.e.g., situation requiring immediate action to protect the health, welfare, and/or estate of the proposed conservatee or minorward). ~~Notice shall be given as set forth in Probate Code section 2250, subdivision (e) unless the Court for good cause otherwise orders.~~ A temporary conservator or/guardian shall not be appointed without a hearing and may be appointed without notice only in emergency situations.

Rule 6.03.0

Proposed rule as amended

6.03.0 Independent Powers: If independent powers under Probate Code sections 2590 and 2591 are requested, the petition shall specify the powers requested and the reasons such powers are needed. Where the request is made as part of a petition for appointment of a guardian or non-LPS conservator, the petitioner shall follow the instructions for providing this information in the mandatory Judicial Council form petitions. (See Judicial Council forms GC-210 and GC-310.) In all other situations, including in LPS conservatorship proceedings, the petitioner shall present this information clearly in the body of or as an attachment to the petition, as appropriate. (See Prob. Code, § 2592.) Only those powers determined by the Court to be necessary and proper shall be granted.

Current rule with redlined amendments

6.03.0 Independent Powers: If independent powers under Probate Code sections 2590 and 2591 are requested, ~~an attachment to~~ the petition shall specify the powers requested and the reasons such powers are needed. Where the request is made as part of a petition for appointment of a guardian or non-LPS conservator, the petitioner shall follow the instructions for providing this information in the mandatory Judicial Council form petitions. (See Judicial Council forms GC-210 and GC-310.) In all other situations, including in LPS conservatorship proceedings, the petitioner shall present this information clearly in the body of or as an attachment to the petition, as appropriate. (See Prob. Code, § 2592.) Only those powers determined by the Court to be necessary and proper shall be granted.

Rule 6.05.0

Proposed rule as amended

6.05.0 Notice of Residence: In every conservatorship and guardianship case, a notice of the conservatee's or ward's residence must be filed with all accountings, including the final accounting (unless the reason for the final accounting is the death of the conservatee or ward), and any time there is a change in residence.

- a. For accountings, this requirement may be satisfied by (1) including the conservatee's or ward's address in the body of the petition for approval of the accounting or (2) use of a separate notice of residence attached to or filed concurrently with the accounting.
- b. For changes in residence, the conservator or guardian shall comply with Probate Code section 2352 and California Rules of Court, rule 7.1013 or 7.1063, as applicable, and use the appropriate mandatory Judicial Council forms.

Current rule with redlined amendments

6.05.0 Notice of Residence: In every conservatorship and guardianship case, a notice of the conservatee's or ward's residence must be filed with ~~the initial petition for appointment, with~~ all accountings, (including the final accounting (unless the reason for the final accounting is the death of the conservatee or ward)), and ~~at~~ any time there is a change in residence.

- a. For accountings, this requirement may be satisfied by (1) including the conservatee's or ward's address in the body of the petition for approval of the accounting or (2) use of a separate notice of residence attached to or filed concurrently with the accounting.
- b. For changes in residence, the conservator or guardian shall comply with Probate Code section 2352 and California Rules of Court, rule 7.1013 or 7.1063, as applicable, and use the appropriate mandatory Judicial Council forms.

Rule 6.07.0

Current rule as revoked

~~6.07.0 Declaration Under UCCJEA: In any guardianship of the person of a minor, a declaration under the Uniform Child Custody Jurisdiction and Enforcement Act (Judicial Council form FL-105/GC-120) shall be filed with petition for appointment and at any time there is a change in the minor's address. A duplicate copy shall be provided to the clerk's office for the court-appointed investigator.~~

DRAFT

Rule 6.09.0

Proposed rule as amended

6.09.0 Inventories and Appraisals:

- a. An inventory and appraisal shall be filed in all cases involving a conservatorship or guardianship of the estate, even where relief from the requirements of filing accountings may be sought under Probate Code section 2628. When there are no assets in the hands of the fiduciary, the inventory shall so indicate.
- b. If a guardianship of the estate has been established for more than one minor, the interests of each minor must be separately stated in the inventory and appraisal.

Current rule with redlined amendments

6.09.0 Inventories~~iesy~~ and Appraisals~~s~~:

- a. An inventory and appraisal shall be filed in all cases involving a conservatorship or guardianship of the estate, even where relief from the requirements of filing accountings may be sought under Probate Code section 2628. When there are no assets in the hands of the fiduciary, the inventory shall so indicate.
- b. If a guardianship of the estate has been established for more than one minor, the interests of each minor must be separately stated in the inventory and appraisal.

Rule 6.10.0

Current rule as revoked

~~**6.10.0 — Review Hearing for Inventory and Appraisal:** The inventory and appraisal are due ninety (90) days from the date of appointment of the conservator or guardian, pursuant to Probate Code section 2610. A review hearing will be set at the time of the appointment to confirm that the Inventory and Appraisal form (Judicial Council form DE-160/GC-040) has been timely filed. No appearance at the hearing is required if the form has been filed prior to the review hearing unless the Court notifies the conservator or guardian of a need to appear. A conservator or guardian or his or her counsel may contact the Court to verify the receipt of these documents prior to the review date.~~

DRAFT

Rule 6.11.0

Current rule as revoked (after provisions have been moved elsewhere)

~~**6.11.0 — Separate Accounting for Several Minors:** When a guardianship of the estate has been established for more than one minor, the interests of each minor must be separately stated in the inventory, and separate accounting schedules must be presented so that the receipts, disbursements, and assets pertaining to each minor's estate are readily ascertainable.~~

DRAFT

Rule 6.12.0

Proposed rule as amended

6.12.0 Petition to Appoint Successor Guardian: A petition to appoint a successor guardian shall be submitted on one of the same forms approved by the Judicial Council for initial guardianship petitions.

Current rule with redlined amendments

6.12.0 Petition to Appoint Successor ~~Conservator or~~ Guardian:

a.—— A petition to appoint~~for~~ a successor ~~conservator or~~ guardian shall be submitted on one of the same forms approved by the Judicial Council for initial guardianship petitions.

b.—— ~~A successor conservator or guardian of the estate shall file an accounting one (1) year after the successor's appointment date and thereafter at least biennially.~~

Rule 6.13.0

Proposed rule as amended

6.13.0 Sale of Property:

- a. Where posting of a notice by the court clerk regarding the sale of property of the conservatee's or ward's estate is required pursuant to subdivision (d) of Probate Code section 2543, the conservator or guardian shall follow the procedures for requesting posting that are set forth at local rule 5.16.0, subdivision (e).
- b. To notify the Court of an intention to sell a conservatee's personal residence pursuant to Probate Code section 2540, subdivision (b), the conservator shall file an ex parte petition and order that fully complies with all requirements of that section.

Current rule with redlined amendments

6.13.0 Sale of ~~Conservatee's Personal Residence~~Property:

- a. Where posting of a notice by the court clerk regarding the sale of property of the conservatee's or ward's estate is required pursuant to subdivision (d) of Probate Code section 2543, the conservator or guardian shall follow the procedures for requesting posting that are set forth at local rule 5.16.0, subdivision (e).
- b. To notify the Court of an intention to sell a conservatee's personal residence pursuant to Probate Code section 2540, subdivision (b), the conservator shall file an ex parte petition and order that fully complies with all requirements of that section.

Rule 6.14.0

Proposed rule as amended

6.14.0 Accountings:

- a. The accounting required by Probate Code section 2620, subdivision (a) to be presented to the Court at the expiration of one (1) year from the time of appointment of a conservator or guardian shall be filed and noticed for a hearing to be held within sixty (60) days after the anniversary date of the appointment.
- b. The conservator or guardian shall comply with local rule 5.17.1.
- c. For purposes of ensuring proper notice, the conservator or guardian shall state in the accounting or accompanying petition and report whether the conservatee or ward (1) has a spouse or domestic partner, (2) is or has been during the conservatorship or guardianship proceedings a patient in or on leave from a state hospital, and (3) has, in his or her estate, money, revenue, profit, or property that entitles the Veterans Administration to notice. (See Prob. Code, §§ 2621, 1460, 1461, 1461.5.)
- d. When a guardianship of the estate has been established for more than one minor, separate accounting schedules must be presented so that the receipts, disbursements, and assets pertaining to each minor's estate are readily ascertainable.
- e. **Waiving of Accounts**
 1. Pursuant to Probate Code section 2628, the Court may waive the requirement of an accounting. A petition for waiver of accounting may be heard ex parte, subject to the Court's review of the most recent court investigator's report. The petition must assert that the conservatee or minor over the age of 14 was informed in person or in writing of the conservator's or guardian's request for the waiver and that the conservatee or minor either agreed to the requested waiver or did not respond.
 2. If the conditions of Probate Code section 2628 are satisfied and the Court approves the petition to dispense with the accounting, no further filings of accounts will be necessary until such time as the provisions of Probate Code section 2628, subdivision (a) are no longer applicable. This condition must be set forth explicitly in the order. The petitioner must, nevertheless, continue to keep accurate records in order to prepare any accounts that may be required pursuant to Probate Code section 2628, subdivision (b) or (c).

Current rule with redlined amendments

6.14.0 ~~Reports and Accountings:~~

- a. The ~~report and~~ accounting required by Probate Code section 2620, subdivision (a) to be presented to the Court at the expiration of one (1) year from the time of appointment of a ~~guardian or~~ conservator or guardian shall be filed and noticed for a hearing to be held within sixty (60) days after the anniversary date of the appointment.
- b. The conservator or guardian shall comply with local rule 5.17.1.
- c. For purposes of ensuring proper notice, the conservator or guardian shall state in the accounting or accompanying petition and report whether the conservatee or ward (1) has a spouse or domestic partner, (2) is or has been during the conservatorship or guardianship proceedings a patient in or on leave from a state hospital, and (3) has, in his or her estate, money, revenue, profit, or property that entitles the Veterans Administration to notice. (See Prob. Code, §§ 2621, 1460, 1461, 1461.5.)
- d. When a guardianship of the estate has been established for more than one minor, separate accounting schedules must be presented so that the receipts, disbursements, and assets pertaining to each minor's estate are readily ascertainable.
- e. Waiving of Accounts
 1. Pursuant to Probate Code section 2628, the Court may waive the requirement of an accounting. A petition for waiver of accounting may be heard ex parte, subject to the Court's review of the most recent court investigator's report. The petition must assert that the conservatee or minor over the age of 14 was informed in person or in writing of the conservator's or guardian's request for the waiver and that the conservatee or minor either agreed to the requested waiver or did not respond.
 2. If the conditions of Probate Code section 2628 are satisfied and the Court approves the petition to dispense with the accounting, no further filings of accounts will be necessary until such time as the provisions of Probate Code section 2628, subdivision (a) are no longer applicable. This condition must be set forth explicitly in the order. The petitioner must, nevertheless, continue to keep accurate records in order to prepare any accounts that may be required pursuant to Probate Code section 2628, subdivision (b) or (c).

Rule 6.15.0

Current rule as revoked (after provisions have been moved elsewhere)

~~6.15.0 — Waiving of Accounts:~~

- ~~a. — Pursuant to Probate Code section 2628, the Court may waive the requirement of an accounting. A petition for waiver of accounting may be heard ex parte, subject to the Court's review of the most recent court investigator's report. The petition must assert that the conservatee or minor over the age of 14 was informed in person or in writing of the conservator's or guardian's request for the waiver and that the conservatee or minor either agreed to the requested waiver or did not respond.~~
- ~~b. — If the conditions of Probate Code section 2628 are satisfied and the Court approves the petition to dispense with the accounting, no further filings of accounts will be necessary until such time as the provisions of Probate Code section 2628, subdivision (a) are no longer applicable. This condition must be set forth explicitly in the order. The petitioner must, nevertheless, continue to keep accurate records in order to prepare any accounts that may be required pursuant to Probate Code section 2628, subdivision (b) or (c).~~

Rule 11.02.0

Current rule as revoked

~~11.02.0—Traffic Tickets/Infractions Amnesty Program (10/1/2015—3/31/2017)~~

~~Individuals who desire to participate in the Traffic Tickets/Infractions Amnesty Program will be required to complete and submit local form TUO TRF 200.~~

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