

**Superior Court of California, County of San Joaquin**

**APPENDIX A**

**Emergency Rules Related to COVID-19**

**Emergency Rule 1. – PROBATE DEPARTMENT**

**Emergency Rule 1.1 Telephone Appearances**

(a) Beginning May 4, 2020 all appearances in Probate, Department 11A, shall be made by telephonic appearance only.

(b) To make the telephone appearance call 209-992-5590, when prompted enter 6934 for the Bridge number and 5986 for the PIN.

(c) Anyone making a telephone appearance must adhere to the following requirements:

- a. Parties must call in at least 10 minutes before the 8:30 am or 1:30 pm hearing times; a rollcall will be done before the calendar begins.
- b. If Court has commenced, DO NOT INTERRUPT. Parties will have an opportunity to speak. If the call is in progress and you hear voices, wait until an opportunity to speak arises without interrupting others.
- c. You may be asked to call again from another phone if your connection is weak or creates static or disruptive noise.
- d. If you are the first person on the call, be patient, even if you experience silence, as the Clerk will join the call in due course. As others join you may hear a mild “beep-beep” indicating that others are on the line. Until your case is called, refrain from speaking other than with the Clerk.
- e. Parties may not use a “speaker” option, except while a phone is on mute. When addressing the court the phone cannot be on speaker.
- f. Parties must try to make calls in a private area, with minimal background noise. Parties may not use a keyboard or talk with others in the room unless the phone is on mute. Be aware that telephone hearings may be amplified throughout the courtroom.
- g. Whenever speaking, first identify yourself.

(d) Petitioners are required to give notice of the telephone appearance to all parties and or interested persons using emergency local form SJPR-EMERG1, NOTICE OF

TELEPHONE APPEARANCE AND REQUIREMENTS. SJPR-EMERG1 may be served and filed separately, or it may be attached to a Notice of Hearing. If attached to a Notice of Hearing, the description should include the following wording: “THIS HEARING WILL BE HEARD VIA TELECONFERENCE. PLEASE REFER TO THE ATTACHED NOTICE OF TELECONFERENCE APPEARANCE AND REQUIREMENTS FOR INSTRUCTIONS.”

(e) This rule will remain in effect until 30 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Court.

**Emergency Rule 1.2. Emergency Rule re Fax and Drop Box Filing During COVID-19 Crisis**

(a) Scope of rule

This rule governs the filing of papers in Probate and Mental Health matters during the COVID-19 crisis, and is effective notwithstanding any other provisions of these Local Rules. During the COVID-19 crisis the Court will continue to accept limited documents for filing, even on days that the Presiding Judge has deemed court holidays. The Court may further amend this rule to add or delete filings that will be accepted, as needed to address changing circumstances.

(b) Documents that may be filed by drop box

The Court will accept the following documents, and only the following documents, via drop box filing at the Stockton Courthouse from 8:00 am to 10:00 am and from 3:00 pm to 5:00 pm.

(1) Probate - Ex parte requests for emergency relief, including but not limited to requests for temporary guardianships and temporary conservatorships, and responses to those requests, and proofs of service relating to those requests.

Also Bonds and Probate Letters.

(2) Mental Health – Filings relating to proceedings in Department 6C, 7C and 9B where a party is in custody or is currently being held in a facility

(c) Documents that may be filed by fax filing

The Court will only accept those documents that do not require a fee. Any documents that require a fee may be left in the drop box, if they are qualify pursuant to Item b above,

or mailed to the court. The following items may NOT be fax filed, regardless if a fee is owed or not.

- (1) Any original will, codicil or testamentary trust;
- (2) Bond or undertaking;
- (3) Subpoenaed documents;
- (4) Financial institution documents, care facility documents or escrow documents as defined under Probate Code 2620;
- (5) California state vital records forms;
- (6) Any documents with attachments/exhibits that cannot be electronically transmitted via fax filing due to size or type;
- (7) Documents typically submitted during the course of a proceeding (e.g. Trial Exhibits);
- (8) Documents lodged with the court provisionally under seal; and
- (9) Documents for cases under seal.

(d) How to submit by fax

Probate and Mental Health Fax Number	(209) 992-5467
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- (1) All documents submitted for fax filing must have the Judicial Council Facsimile Transmission Cover Sheet (JC form MC-005) as the first page of each case filing. When submitting documents for multiple cases, use a separate MC-005 for each case.
- (2) The Judicial Council Facsimile Transmission Cover Sheet (JC form MC-005) shall include an email address for the person fax filing for communication with the Court.
- (3) Each document transmitted for direct filing with the court must contain the phrase "By fax" immediately below the title of the document.
- (4) Limit of 40 pages per document. Documents over 40 pages will be rejected.
- (5) Documents will be processed within 2 days of receipt, excluding weekends.
- (6) Documents will be reviewed by the clerk for certain data elements and/or completeness. Documents are not considered "filed" until they have been accepted by the reviewing clerk.
- (7) If after review by the clerk, a document fax filed is subsequently determined to be unacceptable for filing; a Notice of Rejection specifying the reason(s) will be generated and provided to the filer. After addressing the issues, it is the sole responsibility of the filer to resubmit the document(s) if they choose to, if the

basis for rejection was not due to the document being on the exclusion list in Item C above.

- (8) Once processing is complete, a confirmation will be faxed and or emailed back to the Party. If allowed by law, filed-stamped copies are viewable online (<https://cms.sjcourts.org/fullcourtweb/mainMenu.do>) once processed. If the law allows online disclosure, the court will send you a stamped copy of the first page; otherwise a stamped copy of the first page will be mailed.

(e) All other filings

The Court will only accept any other Probate and Mental Health documents for filing during the COVID-19 crisis, other than as indicated above, by mail. Submitting documents by mail does not mean they will be processed; the Court will process as able, but it may not file the documents until such time as the Court reopens to the public.

- (f) This rule will remain in effect until 30 days after the Governor declares that the state of emergency related to the COVID-19 pandemic is lifted, or until amended or repealed by the Court.

**Emergency Rule 2 – Reserved for Civil Department**