

# PROPOSED CHANGES TO SAN JOAQUIN SUPERIOR COURT LOCAL RULES – EFFECTIVE 01/01/23

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## **General Rule Change**

### 1-108. USE OF CAMERA PHONES, OTHER PHOTOGRAPHIC EQUIPMENT AND AUDIO RECORDING EQUIPMENT (Eff. 01/01/~~2223~~)

- A. This local rule covers the use of any photographic, video and audio recording or transmission equipment by people not working in a media capacity. For purposes of this rule, photographic equipment includes, but is not limited to: cameras, camera phones, and video recording cameras.
- B. The use of photographic equipment and audio recording or transmission equipment in any courtroom, through a courtroom door window into any Superior Court of California for the County of San Joaquin 16 courtroom, or from an entryway into a courtroom is prohibited without the advance permission of the judge.
- C. The use of photographic equipment or audio recording or transmission equipment in any jury assembly room or juror deliberation room, through a window into such rooms, or into any such rooms from any vantage point outside of such rooms is prohibited without advance permission of the Presiding Judge, Jury Commissioner, or their designees.
- D. Photographing, videotaping, filming, and electronic recording of anyone wearing a juror badge anywhere inside a courthouse is prohibited. Photographing, videotaping, filming, and electronic recording of anyone standing in line awaiting entry into a jury assembly room is also prohibited.
- E. Photographing, videotaping, filming, and electronic recording of anyone involved in any case, including litigants, witnesses, and spectators, anywhere inside a courthouse is prohibited.
- F. Unless approved by written order of the presiding juvenile judge or a judicial officer designated by the presiding juvenile judge, photographing, videotaping, filming, broadcasting, and electronic recording is prohibited anywhere in the Juvenile Justice Center.
- G. The prohibitions against photographing, videotaping, filming, and electronic recording outside of a courtroom any persons listed in this rule do not apply if such person consents. Nothing in this rule shall be read to prohibit photography associated with weddings as long as persons who are prohibited from being photographed in this rule are not depicted in such photos.
- H. The use of any device to photograph, videotape, film, or electronic record to copy, reproduce, or transmit official Court records and exhibits in the Clerk's Office is prohibited. No one may use a device with the ability to photograph, videotape, film, or electronic record to copy, reproduce, or transmit Court records and exhibits without prior written approval from the Presiding Judge, Judicial Officer, Court Executive Officer or designee. Violation of this rule may result in

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the confiscation of the device, and the Court Clerk or designee may request that the recording/photograph on the device be erased by the owner.

I.

I.J. Photography, video and electronic recording equipment used in violation of this rule is subject to confiscation. Any person who is a party, witness, or attorney of a party and who violates this rule is subject to punishment under Code of Civil Procedure section 177.5. Any other person who violates this rule is subject to punishment for contempt of court. (Eff. 07/01/05)

## 1-113 ELECTRONIC RECORDING OF COURT PROCEEDINGS (Eff. 01/01/23)

A. Pursuant to Government Code §69957, in limited civil actions and criminal misdemeanor and infraction proceedings, the court, at its sole discretion, may utilize electronic recording as a means of generating a verbatim record of proceedings. In these instances, the electronic recording serves as the official record of the proceeding. The parties to such proceeding may obtain a copy of the recording from the Records Management Department. Parties will be responsible for all associated fees and costs.

B. An electronic recording may also be made for the purpose of monitoring subordinate judicial officer performance. In these instances, the electronic recording shall not be used for any other purpose and shall not be made publicly available.

The court will post notice outside of a courtroom where proceedings are being recorded pursuant to this Local Rule. (Eff. 01/01/23) ~~2-109. TAPE RECORDED PROCEEDINGS IN MISDEMEANOR CASES (Eff. 07/01/15)~~

A. ~~Unless a Certified Shorthand Reporter is present, all contested matters will be tape recorded. All other matters will be tape recorded only upon the request of a party.~~

B. ~~Where tape recorders are employed instead of court reporters to record proceedings, tapes shall be preserved by the clerk as follows:~~

1. ~~In all contested matters (motions and trials), tapes will be preserved until 60 days following final judgment. In cases involving multiple defendants, tapes will be preserved until 60 days following final judgment of the last co-defendant. Tapes shall also be preserved until the appeals of all defendants are final.~~

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- ~~2. In all other cases, the tapes will be preserved for 30 days after the recording date, unless a party shall have delivered to the clerk a request, in writing, stating the particular case and date recorded, in which case the tapes will be preserved for 60 days.~~
- ~~3. Unless otherwise ordered by the court, tape recordings of proceedings are public records and may be examined under reasonable conditions, to be specified by the clerk.~~

~~A.C. Upon written request, specifying a particular case and tape number, the clerk may duplicate the tape for a fee. No fee shall be required of the court appointed counsel. (Eff. 07/01/15)~~

## **Criminal Rule Change**

### ~~2-109. TAPE RECORDED PROCEEDINGS IN MISDEMEANOR CASES (Eff. 07/01/15)~~

- ~~C. Unless a Certified Shorthand Reporter is present, all contested matters will be tape recorded. All other matters will be tape recorded only upon the request of a party.~~
- ~~D. Where tape recorders are employed instead of court reporters to record proceedings, tapes shall be preserved by the clerk as follows:~~
  - ~~1. In all contested matters (motions and trials), tapes will be preserved until 60 days following final judgment. In cases involving multiple defendants, tapes will be preserved until 60 days following final judgment of the last co-defendant. Tapes shall also be preserved until the appeals of all defendants are final.~~
  - ~~2. In all other cases, the tapes will be preserved for 30 days after the recording date, unless a party shall have delivered to the clerk a request, in writing, stating the particular case and date recorded, in which case the tapes will be preserved for 60 days.~~
  - ~~3. Unless otherwise ordered by the court, tape recordings of proceedings are public records and may be examined under reasonable conditions, to be specified by the clerk.~~

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~~Upon written request, specifying a particular case and tape number, the clerk may duplicate the tape for a fee. No fee shall be required of the court appointed counsel. (Eff. 07/01/15)~~

## **Probate Rule Changes**

### 4-101. ALL PETITIONS (Eff. 01/01/20)

#### INTRODUCTION

- A. General. The Probate Rules for San Joaquin County Superior Court set forth local policies and procedures of the probate department. These rules do not attempt to restate or summarize statutory or case law or estate administration in general. Guidance on probate law and practice may be found in publications such as California Decedent Estate Practice, California Trust Administration, and California Conservatorship Practice, which are published by CEB, Continuing Education of the Bar California.

~~Guidance on probate law and practice may be found in publications such as California Decedent Estate Practice, California Trust Administration, and California Conservatorship Practice, which are published by CEB Continuing Education of the Bar – California.~~

These rules, although binding on parties, may be departed from ~~in~~at the discretion of the Court.

- B. Contact Information. Website: For current contact information, tentative rulings, and the online probate calendars parties should refer to the court's website at: [www.sjcourts.org](http://www.sjcourts.org). ~~(Click on the "Divisions" tab, then "Probate" in the drop-down list, to Access the probate page).~~ All local forms referred to in this rule are available at and can be downloaded from the court website. ~~(Click on~~Hover over the "Forms and Filing" tab on the courts home page, then "Local Forms" in the drop-down menu.)

The following may be helpful in matters presented to the Probate Court:

Clerk of the Probate Court: The physical address of the Probate Clerk is 180 E. Weber Avenue, Fourth Floor, Stockton, CA 95202. The mailing address is Superior Court of California – San Joaquin, Probate Department, 180 E Weber Avenue, Suite 416, Stockton, CA 95202.

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## C. Pleadings / Calendaring

1. Petitions with all supporting papers, excepting the Notice of Hearing and or proof of service, must be on file four weeks before the hearing date.
2. Notice of Hearing and or Proofs of Service for the initial petition shall be filed with the Clerk at least ten (10) court days prior to the day of hearing. Any other Proofs of Service shall be filed with the Clerk contemporaneously with the papers to which they pertain.
3. Proofs of Publication shall be filed with the Clerk at least five (5) court days prior to the day of hearing.
4. Matters involving the Public Defender, or the Public Conservator, must be set for hearing Tuesdays or Thursdays only, unless a stipulation for another day, signed by the Public Defender and or Public Conservator is filed at the same time as the initial petition. (Eff. 01/01/20; [Rev. 01/01/2023](#))

## 4-104. WHEN PERSONAL APPEARANCE REQUIRED (Eff. 01/01/20)

- A. The petitioner and the petitioner's attorney shall appear on all petitions for appointment of a guardian or conservator.
- B. The attorney for a conservatee, or ward, shall ~~personally~~ appear on petitions which concern the conservatee, or ward, respectively.
- C. The petitioner and or petitioner's counsel shall appear for confirmation of sale of real property.
- D. Any matter which by law requires the personal appearance of any person or any matter which the Court may in its discretion require an appearance. (Eff. 01/01/20; [Rev. 01/01/2023](#))

## 4-106. EX PARTE APPLICATIONS (Eff. 01/01/20)

The following ex parte applications are exempt from the notice requirements of this chapter:

1. Ex parte application for Withdrawal of Funds from Blocked Account;

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2. Ex parte application for Appointment of Guardian Ad Litem;
  3. Ex parte application to Increase Bond (Local Form) (only when increasing bond, not for a blocked account or to decrease bond);
  4. Ex parte application to Petition for Final Discharge and Order;
  5. Exceptions contained in CRC 3.1207.
- A. The Probate Court will not entertain any ex parte petition that does not comply with California Rules of Court 3.1200 through 3.1206, and is not accompanied by a declaration that makes "an affirmative factual showing... containing competent testimony based on personal knowledge of irreparable harm, immediate danger, or any other statutory basis for granting relief ex parte." California Rule of Court 3.1202(c).
- ~~B.~~ Please refer to the court's website for the procedure on how to submit any ex parte matters, including but not limited to law and motion or a petition. For any Law and Motion ex parte matter, it must be approved and scheduled by the Probate Judge through his or her clerk, prior to filing documents in the clerk's office. The courtroom phone numbers are listed on the public website at [www.sjcourts.org](http://www.sjcourts.org).
- ~~C.~~ Any other ex parte matters not covered above, shall be submitted to the probate clerk for review by the probate examiners. The court will either issue an order or provide a hearing date within 72 court hours of the documents being submitted.
- ~~D.~~ B. If an ex parte petition for appointment of any conservator or a guardian is reviewed and given a date, the court will require five (5) days' notice has been given (Probate Code sections 2250(e) and 2250.2 through 2250.6), unless the petitioner has shown both irreparable harm or immediate danger, and "good cause" for waiving the notice requirements.
- ~~E.~~ C. Counsel requesting the waiver or shortening of any notice time periods prescribed by the Probate Code must submit a Declaration of Due Diligence to the Court citing the specific notice provision at issue, setting forth facts relating to the efforts to give such notice, or facts

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supporting the conclusion that it was impossible to give such notice; and explaining the "good cause" for waiving or shortening the time.

~~F.D.~~ A party seeking an ex parte order must submit the application and all supporting papers and fees to the Clerk for filing no later than 24 hours prior to the hearing. ~~The Clerk may reject Petitions that do not comply with the subsections above.~~

~~G.E.~~ An ex parte order will not be granted unless accompanied by a verified petition (or a sworn declaration where applicable) containing facts and law to justify granting the requested relief.

~~F.~~ Ex parte petitions filed in decedent's estates for the sale of stock or personal property must allege whether the property is specifically bequeathed. If bequeathed, the consent of the specific legatee to the sale must accompany the petition.

~~H.G.~~ The Clerk may reject Petitions that do not comply with the subsections above. (Eff. 01/01/20; Rev. 01/01/2023)

## 4-107. ADDITIONAL INFORMATION REQUIRED (Eff. 07/01/21)

- A. Where any petition calls for the relationship of the heirs or devisees, including but not limited to a Petition for Probate, Petition to Determine Succession to Real Property, An Affidavit re Real Property of Small Value or a petitioner under Probate Code section 850, a chart or list of lineal descent must be included. If any beneficiary named in the Will, Trust or other document has predeceased the testator, the fact must be stated. The information shall be provided using local form Lineal Chart A (SJPR-~~302203~~), Lineal Chart B (SJPR-~~303204~~) and/or Lineal Chart C (SJPR-~~304205~~).
- B. Where any petition calls for family members, or heirs and his or her address to be listed, the individual's name shall be listed, the individual's relationship to the decedent, settlor, conservatee and/or ward, and where an address would be listed "Deceased" shall be listed if the individual is deceased. In addition, proof of death is required. Proof of death can be established by, but is not limited to, a death certificate, an obituary, or a declaration. (Eff. 01/01/20; Rev. 07/01/22; Rev. 01/01/2023)



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## 4-109. WHEN COPY OF PETITION MUST BE INCLUDED WITH NOTICE OF HEARING

- A. In the following cases a copy of the petition, as well as a copy of the Notice of Hearing, must be served on all interested parties:
1. Where the petition contains the accounting of a trustee, personal representative, conservator or guardian, or
  2. Where a fiduciary or attorney is requesting extraordinary fees or commissions.
- B. A courtesy copy of the petition which includes an accounting shall be submitted to the Probate Clerk for the ~~court~~ probate examiner at the time the original is filed or within 5 court days of filing, if electronically filed, marked in red in the upper ——— left-hand corner “Examiner’s Copy.” (Eff. 01/01/20; Rev. 07/01/22; Rev. 01/01/2023)

## 4-110. LAW AND MOTION; TENTATIVE RULINGS

A. A tentative ruling for each law and motion matter on calendar will be available to counsel and litigants on the first court day before the scheduled hearing. The tentative rulings will be posted to the court’s website and can be accessed at: <https://www.sjcourts.org/online-services/probate-notes-tentative-rulings/>

**A.B.** The tentative ruling shall become the ruling of the court unless there is opposition by counsel or SRL. Counsel or SRL is responsible for reviewing the tentative ruling and notifying the superior court and all other counsel and self-represented litigants no later than 4:00 p.m. on the day preceding the scheduled hearing of his or her intent to appear to argue. The procedures for noticing all parties is provided on the Court’s website at <https://www.sjcourts.org/online-services/probate-notes-tentative-rulings/> “RESERVED FOR FUTURE USE”(Eff.01/01/2023 [Former 4-110 Repealed 01/01/20])

## 4-112. CAPTION ON PLEADINGS (Eff. 01/01/20)

The caption of each pleading shall include the date, time, and the department of the hearing. If the matter has been set for trial, the date of the trial shall also be included. (Eff. 01/01/20; Rev. 07/01/22).



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## 4-120. SANCTIONS (Eff. 07/01/22)

The mandates set forth in these Local Rules are considered lawful orders of the court. Violation of any of these Local Rules may result in the imposition of sanctions pursuant to Code of Civil Procedure section 177.5 for violation of a lawful court order. (Eff. 07/01/22)

## PART TWO – DECEDENT ESTATES

## 4-201. NOTICE TO NAMED CONTINGENT LEGATEES AND BENEFICIARIES (Eff. 01/01/08)

In addition to the Notice of Hearing required to be mailed by Probate Code Sections 8110-8113, notice shall also be mailed to all contingent devisees and beneficiaries named in the Will. (Eff. 01/01/08; Rev. 01/01/2023)

## 4-209. STATUS REPORTS (Eff. 01/01/20)

- A. The status report required by Probate Code Section 12200 shall be made on local form SJPR-~~104~~201 "Status Report of Administration."
- B. When there is a compliance hearing for an Account and Report and Petition for Final Distribution, but the party will not have the Petition for Final Distribution filed at least 15 days before the compliance hearing, the Status Report of Administration must be filed and served for the compliance hearing at least 15 days before the compliance date. (Eff. 01/01/20; Rev. 07/01/22)

## 4-304. AFFIDAVITS FOR REAL PROPERTY SMALL VALUE (Eff 07/01/21)

When an Affidavit for Real Property of Small Value is filed pursuant to Probate Code section 13200, one of the following must be attached to the affidavit:

- A. If the decedent died testate, a statement using mandatory local form Declaration in Support of Affidavit re Real Property of Small Value (SJPR-~~305~~206) identifying that the decedent died testate and an executed copy of the Will; or
- B. If the decedent died intestate, a statement using mandatory local form Declaration in Support of Affidavit re Real Property of Small Value (SJPR-~~305~~206) identifying the relationship of the heir(s) which

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establishes the affiant's claim to entitlement. (Eff. 07/01/2021; [Rev. 01/01/2023](#))

## 4-502. CONFIDENTIAL CONSERVATORSHIP QUESTIONNAIRE (Eff. 07/01/2021

- A. A Confidential Conservatorship Questionnaire (local form SJPR-~~207~~[300](#)) shall be completed, signed under penalty of perjury, and submitted with all petitions for conservatorship. Each proposed conservator shall sign the Conservatorship Questionnaire. The Conservatorship Questionnaire is used by the court and/or by the Court Investigator to prepare reports under Probate Code 2253 or as ordered by the court. The Conservatorship Questionnaire and the information contained on the Questionnaire are confidential. The Conservatorship Questionnaire shall not be released to any party or their attorney absent a court order. The clerk must maintain the Conservatorship Questionnaire in a manner that will protect and preserve the proposed conservator's confidentiality.
- B. This rule shall apply to conservatorship cases only and not to guardianship cases. (Eff. 07/01/2021; Rev. 07/01/22; [Rev. 01/01/2023](#); Former 4-502 Repealed 01/01/20)

## 4-504. CONSERVATORSHIP REVIEW (Eff. 07/01/2021)

- A. At least 30 days before a review hearing, the conservator of the person only shall complete and return the Conservatee Status Report-Person Only (local form SJPR-~~406~~[301](#).)
- B. The conservator of the person and estate or estate only shall complete and return the Conservatee Status Report-Person & Estate (local form SJPR-~~407~~[302](#)).
- C. This rule shall apply to conservatorship cases only and not to guardianship cases.

[Eff. 07/01/2021; Rev. 07/01/22; [Rev. 01/01/2023](#); Former 4-504 Repealed 01/01/20]

## 4-508. SUBSTITUTED JUDGMENT (Eff. 01/01/11)

- ~~A. Court Investigation~~

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~~A proceeding brought under Article 10, commencing with Section 2580 of the Probate Code, for court order authorizing or requiring a proposed transaction requires investigation by the court investigator.~~

## ~~B.A.~~ Documents Which May Have Testamentary Effect

The petition shall be supported by copies of any known documents which may have testamentary effect or which purport to gift any property of the Conservatee before death. Such documents may be submitted with a request and proposed order that they be kept under seal, not to be examined by anyone except the Court except upon order of the court. The court shall seal any such document for which a request is made by the party submitting the document.

## ~~C.B.~~ “Community Resource Allowance” and “Minimum Monthly Maintenance Needs Allowance”

The court will not hear petitions, nor issue orders, regarding “Community Resource Allowance” or “Minimum Monthly Maintenance Needs Allowance” unless such petition is accompanied by points and authorities specifying the jurisdiction and authority of the Probate Court to hear and decide such matters.

## ~~D.C.~~ The Effect upon the Conservatee

The petition shall set forth the circumstances of the Conservatee should the petition be granted, including, but not limited to, assets remaining, the projected needs of the Conservatee and the manner in which those needs will be met.

Where a petition seeks transfer of all, or a major portion, of a spouse’s assets for the purpose of eligibility for public benefits the estate plan of the receiving spouse for those assets must be set forth for the court.

The documents may be submitted with a request and proposed order that they be kept under seal, not to be examined by anyone except the Court except upon order of the court. The court shall seal any such document for which a request is made by the party submitting the document.

## ~~E.~~ \_\_\_\_\_

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~~F.D.~~ When a trust is created under PC Section 2580 or 3100 the Order shall provide, as a condition of approval that the Trustee shall commence a separate trust proceeding with a probate case number in this county by filing an Acceptance of Trust by Trustee, with a certified copy of the Order for Substituted Judgment and the Trust attached. This shall be done within 30 days of the Order being signed. A Receipt of Assets by the Trustee shall be filed in the new case file along with the Acceptance of Trust, and the Bond, if there is a bond to be posted under the terms of the trust. (Eff. 01/01/11; Rev. 07/01/22; [Rev. 01/01/2023](#))

## 4-509. DOCUMENTS ACCOMPANYING AN ACCOUNT TO BE LODGED, NOT FILED (Eff. 01/01/14)

- A. The documents required by Probate Code section 2620(c) shall be lodged by the conservator or guardian, not filed, at the time the accounting is filed. The documents shall be attached to a cover sheet containing the case heading and a caption identifying the petition they accompany and the date time and department of the hearing. Upon settlement of the account, the party who lodged them may retrieve the lodged documents, to be held until such time as the appeal period has run, unless the Court orders otherwise. If the documents are not otherwise retrieved within thirty (30) days after the Court makes the final order in the related petition, the lodged documents may be destroyed by the Court.
- B. If there are investments with a brokerage firm, the annual brokerage account statement shall be included with the required documents. If original documents cannot be obtained and copies are lodged in lieu of the originals, a Declaration setting forth the reason why the originals are not available shall be lodged with the copies. (Eff. 01/01/14; Rev. 07/01/22)

## 4-702 GUARDIANSHIP RULES [Eff. 07/01/2021; Former 4-702 Repealed 01/01/20 (incorporated into 4-703)] (Eff 01/01/20)

### RELATIVE AND NON-RELATIVE GUARDIANSHIPS OF THE PERSON AND/OR ESTATE

- A. The Confidential Guardianship Questionnaire (SJPR-~~010400~~) shall be completed, signed under penalty of perjury, and submitted with all petitions for

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probate guardianship. Each proposed guardian shall sign the Guardianship Questionnaire. The Guardianship Questionnaire is used by the court and/or by the San Joaquin Court Investigator to prepare reports under Probate Code 1513 or as ordered by the court. The Guardianship Questionnaire and the information contained in the Guardianship Questionnaire is confidential. The Guardianship Questionnaire shall not be released to any party or their attorney absent a court order. The clerk must maintain the Guardianship Questionnaire in a manner that will protect and preserve the proposed guardian's and the minor's confidentiality.

[Eff. 07/01/2021; Rev. 07/01/22; Rev. 01/01/2023; Former 4-702 Repealed 01/01/20 (Incorporated into 4-703)]

## 4-804. ATTACHMENT LIMITS (Eff. 07/01/21)

- A. The attachments to any Petition or Expedited Petition for compromise for a minor or incapacitated person shall not exceed 50 pages, without authorization from the court, or falling under Paragraph B below. ~~The 50 page limit for attachments shall include any declaration and/or supplement either attached or filed separate to the Petition or Expedited Petition. Any petitions received in excess of the page limit, without authorization, shall be rejected.~~
- B. If the Petition requests the settlement be distributed to a special needs trust, the attachments shall not exceed 100 pages, without authorization from the court.
- ~~A.C.~~ A. Attachments shall include any declaration and/or supplement either attached or filed separate to the Petition or Expedited Petition. Any petitions with attachments received in excess of the page limits set forth above, without authorization, shall be rejected.
- D. The Petitioner may apply to the court ex parte with notice of the application to the other parties for permission to submit additional pages. The ex parte application is not required to have a memorandum of points and authorities.
- ~~B.E.~~ E. The requested additional pages-attachments shall not be attached to the separate ex parte application, any declaration or memorandum. Instead, ~~t~~The ex parte application shall list and describe the requested additional attachments separately, state the exact reasons why each additional attachment is relevant and necessary, and the number of pages in the additional attachment. Without this prior approval, the court will not consider any attachments exceeding 50 pages~~the pages~~

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limits set forth in Paragraph A or B above. [Eff. 07/01/2021; Rev. 07/01/22; Rev. 01/01/2023 Former 4-804 Repealed 01/01/20]

## **Rule 6 Electronic Filing Rule Change**

### RULE 6 ELECTRONIC FILING ~~(DIRECT FACSIMILE (FAX) FILING – CIVIL MATTERS~~

All parties filing documents electronically are referred to and shall also comply with all requirements and conditions for electronic filing (~~e-e~~feFiling) and service as set forth in Code of Civil Procedure section 1010.6 and California Rules of Court, rules 2.250-2.261 and 3.110(f)(4), unless this court's local rules provide otherwise. This rule shall apply to all-eFiling regardless of the division and/or department, unless this court's local rules provide otherwise. The filing of electronic documents must be affected using the court's electronic service provider.

#### 1. Case Types Subject to Electronic Filing:

- A. Effective January 1, 2020, San Joaquin County Superior Court allows the electronic filing of documents for specific case types as listed on the court's website at [www.sjcourts.org](http://www.sjcourts.org). Case types excluded from ~~e-fe~~feFiling can also be located on the court's website.
- B. Additional case types may be phased in over time. Please refer to the court's website for current listings.

#### 2. Documents Subject to and Excluded from Electronic Filing:

- A. Please refer to the court's website for the current list of documents permitted to be filed electronically and excluded from electronic filing. If a document is not listed as accepted or excluded, contact the Clerk of the Court in the applicable division for clarification.
- B. Documents and other materials that are not feasibly converted to electronic form by scanning or imaging shall not be electronically filed.
- C. Additional documents may be phased in over time. Please refer to the court's website for updates.

#### 3. Format of ~~E-fe~~feFiled Documents:

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- A. All electronic filed documents must be in electronic text searchable PDF format. There is not a limit on the number of pages a document can contain, unless prohibited by another rule.
- B. Documents containing exhibits must be bookmarked. An electronic bookmark must be created for each exhibit, and between each exhibit a slip sheet must be inserted containing identification of the following exhibit. For Electronic Service Providers may charge a reasonable fee in addition to any filing fees required by the Court. There is no service fee charged if the document does not require a filing fee. The Court will not add an administrative fee for [e-filing](#). Refer to the information under Payment on the court's website for additional information.
- A. A party who has an active fee waiver on file in a case or is granted a fee waiver from the Court is exempt from the fees and costs associated with electronic filing.
- B. If a request for fee waiver is not granted, the filer will be notified and given the opportunity to submit payment. The filer will have 10 days to comply with the Order on Fee Waiver or the filing will be voided. (GC 68634(g)). (Eff. 01/01/20)

## **Family Law Rule Change**

### 7-102.5. DECLARATIONS SUPPORTING AND RESPONDING TO A REQUEST FOR ORDER

(Eff. 01/01/19) All declarations supporting and responding to a Request for Order, a Domestic Violence Restraining Order (DVRO), and an Elder Abuse Restraining Order (EARO) must comply with California Rules of Court, Rule 5.111. A party shall be permitted to file no more than one (1) declaration in support of or in response to a Request for Order, and one (1) reply declaration (in response to the responsive declaration is permitted if necessary.) Any evidentiary documents attached to declarations shall not exceed 10 pages in length. However, a party may apply to the court ex parte with notice of the application to the other parties for permission to submit additional pages. The requested additional pages shall not be attached to the separate ex parte application. The ex parte application shall list and describe the requested additional attachments separately, state the exact reasons why each additional attachment is relevant and necessary, and must comply with California Rules of Court, Rule 5.151. Without this prior approval, the court will not consider any attachments



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exceeding 10 pages or multiple declarations. Parties should not attach copies of pleadings already contained in the Court file to any new pleading. This rule shall not apply to discovery motions. (Rev 01/01/2022 1/01/2023)

## **Appellate Division Rule Change**

### **10-104. USE OF OFFICIAL ELECTRONIC RECORDING (Eff. ~~07/01/15~~01/01/23)**

- A. ~~Civil limited cases shall be recorded, if not they are not reported.~~ Under California Rules of Court, Rule 8.835(c), in a civil limited appeal, the parties, by a filed written stipulation or on order of the trial court under California Rule of Court, rule 8.837(d), may designate the original of an official electronic record of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a reporter's transcript or settled statement.
- B. ~~Misdemeanor cases shall be recorded, if they are not reported.~~ Under California Rules of Court, Rule 8.868(c), in a misdemeanor appeal, the parties, by a filed written stipulation or on order of the trial court under California Rule of Court, Rule 8.869(5), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed, and in lieu of a Reporter's transcript or settled statement.
- C. ~~Infraction cases are not reported.~~ Under California Rules of Court, Rule 8.915(a)(2), in an infraction appeal, the parties by a filed written stipulation or an order of the trial court under California Rules of Court, Rule 8.916(b), may designate the original of an official electronic recording of the trial court proceedings, or a copy of the electronic recording made by the court, as the record of the oral proceedings, without being transcribed and in lieu of a reporter's transcript or settled statement.
- D. If an appellant elects to use an official electronic recording, the stipulation must be attached to the original designation. (Eff. ~~07/01/15~~01/01/23)