

PROPOSED CHANGES TO SAN JOAQUIN COURT LOCAL RULES –
EFFECTIVE 1/1/2026

Rule 3 – Civil

3-113. CIVIL LAW AND MOTION Eff. 01/01/20)

- A. Except where there is an order setting the date, the moving party may schedule the Law and Motion hearing in the Superior Court Clerk's office when the moving papers are filed (subject to mandatory time provisions of statutes and Rules of Court). Motions are heard Tuesdays through Fridays at 9:00 a.m. When submitting the moving papers for filing, please have at least three (3) dates (within the proper time provisions) for the clerk to check for availability. Proof of service must be on file with the Superior Court Clerk's office prior to the scheduled hearing.

(STOCKTON COURTHOUSE ONLY)

- B. Matters not requiring more than fifteen (15) minutes may be set for the 9:00 a.m. calendar on Tuesdays through Fridays. Special settings may be made by the courtroom clerk with prior approval.
- C. Other than in contempt matters or where allowed by statute, evidence shall be presented by matters of which the court may or must take judicial notice, affidavits, and declarations, unless prior arrangements are made with the court for the taking of oral testimony.

(STOCKTON COURTHOUSE ONLY)

- D. Judges assigned to civil law and motion matters will prepare a tentative ruling for each matter on calendar and a ruling will be available to counsel and litigants on the first court day before the scheduled hearing. If the tentative ruling is satisfactory to counsel, he or she need not appear and the tentative ruling will become final. If counsel or self-represented litigants (SRL) wish to appear, he or she may do so only after appropriately notifying the court and other counsel or SRL of that intent.

The tentative ruling shall become the ruling of the court unless there is opposition by counsel or SRL. ~~Counsel or self-represented litigants are responsible for reviewing the tentative ruling and notifying the superior court, by calling (209) 992-5714, 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.~~ Any party wishing to contest or argue the tentative ruling must email the court at civilcourtclerks@sjcourts.org that they intend to appear remotely or in person no later than 4:00 PM on the day before the scheduled hearing. The Department, Case number, Case Name, and party's name must be in the header of the email. The email must include the Department, Case number, Case Name, Motion, party's name and email, date and time of the hearing, issues they plan to argue, and that they have informed the opposing party. The party must also notify affected counsel, or unrepresented parties that they intend to appear, no later than 4:00 PM on the day before the scheduled hearing.

The tentative rulings will be posted to the court's website: www.sjcourts.org. Counsel or self-represented litigants may access the court's website beginning at 1:30 p.m. on the court day immediately preceding the date for which a matter is calendared.

Matters may be continued by filing a stipulation up to five court days before the hearing date. To prevent the judges from unnecessarily preparing matters to be continued, court approval will be required before a continuance will be allowed when the request for continuance is made within five court days of the scheduled hearing.

(LODI BRANCH ONLY)

- E. The same will apply as listed in Rule 3-113 (D) for the Stockton Courthouse with the exception that the Lodi Branch Civil phone number for calling in by 4:00 p.m. on the day preceding the scheduled hearing of his or her intent to appear to argue is (209) 992-5522. (Subd. (E) amended January 1, 2018); previously amended (deleted) effective July 1, 2015. (Eff. 01/01/20) (Subd (F) amended (deleted) effective July 1, 2015.

RULE 4 PROBATE

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.

These rules, although binding on parties, may be departed from 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. All local forms referred to in this rule are available at and can be downloaded from the court website. (Hover over the "Forms and Filing" tab on the court's 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 315 W. Elm Street Lodi, CA 95240~~180 E. Weber Avenue, Fourth Floor, Stockton, CA 95202~~. The mailing address is Superior Court of California – San Joaquin, Probate Department, 315 W. Elm Street Lodi, CA 95240~~180 E Weber Avenue, Suite 416, Stockton, CA 95202~~.

C. Pleadings / Calendaring

1. Petitions with all supporting papers, except the Notice of Hearing and or proof of service, shall be on ~~file thirty~~file thirty (30) calendar days before the hearing date. Failure to file all required paperwork in the time limits specified in this section, or sections 2 and 3 immediately below, may result in the hearing being continued.
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, failure to contemporaneously file a proof of service with a document shall result in the document being rejected for filing.
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. 01/01/23; Rev. 07/01/23)

4-105. CONSOLIDATION WITH THE LOWEST NUMBER (Eff. 01/01/11)

Whenever it appears that actions or petitions with different numbers have been filed with reference to the same decedent, ~~or~~ the same ward, ~~or the same~~ conservatee, or the same trust, the eCourt will on its own motion consolidate all of the matters and assign the appropriate case number as the lead number.
(Eff. 01/01/11)

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

- A. Ex Parte Applications shall include any petition, application, request or motion. This rule shall apply, as applicable, to Civil Mental Health.
- B. Ex parte applications in Probate and Civil Mental Health are non-appearance matters and are decided on written submissions unless the eCourt, in its discretion, sets a hearing for a later date. Specific procedures for an ex parte application can be found on the eCourt's website and must be followed.
- C. "Notice of Ex Parte Request" Local Form SJPR/MH-008 shall be filed and served with any ex parte application, unless otherwise stated.
- D. The following ex parte applications are exempt from the notice requirements of this chapter, as well as from Paragraph C above:
 - ~~1. Ex parte application for Withdrawal of Funds from Blocked Account;~~
 - ~~2.~~1. Ex parte application for Appointment of Guardian Ad Litem;
 - ~~3.~~2. Ex parte application to Petition for Final Discharge and Order;
- E. The Probate Court will not entertain any ex parte application 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).

- F. Except as provided in this rule and Rule 3.1204 of the California Rules of Court, no application for an order shall be made ex parte unless the applicant shows by written declaration under oath either that a reasonable effort has been made to give notice to the adverse party or attorney, that notice would be inappropriate, ~~or impractical~~, or would result in irreparable injury, or that the order would not result in a significant direct burden or inconvenience to the adverse party. Mandatory Local Form SJPR-006 "DECLARATION RE NOTICE OF EX PARTE APPLICATION" must be used and if needed form SJPR-006A "ATTACHMENT TO DECLARATION RE: NOTICE OF EX-PARTE APPLICATION."
- G. An ex parte order will not be granted unless accompanied by a verified ex parte application (or a sworn declaration where applicable) containing facts and law to justify granting the requested relief.
- H. The Clerk may reject ~~eEx pParte~~ ~~a~~Applications that do not comply with the subsections above. (Eff. 01/01/20; Rev. 01/01/23 and 01/01/25)

4-107. LINEAL CHART / HEIR INFORMATION/PROOF OF DEATH (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 (~~DE-111~~), Petition to Determine Succession to ~~Real Property~~ ~~Primary Residence~~ (~~DE-310~~), ~~a~~An Affidavit re Real Property of Small Value (~~DE-305~~) or a petition under Probate Code ~~§section~~ 850, a chart of lineal descent must be included. If any beneficiary named in the Will, Trust or other document has predeceased or post--deceased the testator, the fact must be stated. The information shall be provided using local form Lineal Chart A (SJPR-203), Lineal Chart B (SJPR-204) and/or Lineal Chart C (SJPR-205).
- 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; Rev. 07/01/23, Rev. 1/1/2025)

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~~notice of ~~Hearing~~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 any petition containing an accounting shall be submitted to the Probate Clerk 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 and 01/01/25)

4-114. PROBATE PETITIONS CONFIRMING PROPERTY (Eff. 01/01/20)

- A. Any petitioner requesting an order concerning title to real property held in whole or in part by the decedent, conservatee, settlor or other party shall attach to the petition a copy of all deeds by which the decedent, conservatee, settlor or other party acquired title. Petitions concerning title shall include, but are not limited to, Probate Code §850, Probate Code §§-13150 et seq. (Petition to Determine Succession to ~~Real Property~~Primary Residence, form DE-310), or Probate Code §§13650 et seq. (Spousal or Domestic Partner Property Petition, form DE-221).
- B. Whenever a petition is filed under the authority of Probate Code §850, et seq., which seeks to establish the owner of an interest in property, the petition shall plead facts which establish the claimed ownership interest, and list the person(s) to be served pursuant to Probate Code §851, including, but not limited to, the following persons:
1. Each person claiming an interest in or having title to, or possession of, the property,
 2. Each known intestate heir,
 3. Each known devisee whose interest in the property would be affected.

4. The list of persons to be served shall include the individual's name, relationship and address.
- C. The petition shall set forth the form of record title and character of ownership at all relevant times covered by the petition.
- D. If the form of record title is based on a written document, a copy of the document shall be filed with the petition. (e.g., copy of all relevant deeds, copy of bank statement(s) or stock certificate(s)/statement(s), etc.) (Eff. 01/01/20; Rev. 07/01/22)

4-116. MEET AND CONFER REQUIREMENT (Eff. 01/01/20)

- A. In the event of any contest or objection to any petition on the probate calendar, the parties or their respective attorneys shall make a reasonable and ~~good~~ good-faith attempt to informally resolve the controversy at a face-to-face conference or video conference, if possible, otherwise by telephone conference, before any hearing of the contested petition.
- B. Within 30 days after service of any responsive pleading by the first respondent, and thereafter as each respondent objects and/or opposes, the parties must meet and confer as stated in A above, for the following purposes:
 1. To discuss facts which are presently available to support the allegations of the pleadings filed by each party.
 2. To discuss possible settlement of the action including, but not limited to, possible arbitration or mediation.
 3. To exchange preliminary schedules of discovery.
- C. The parties must file a joint Meet and Confer Statement (parties may use local form SJPR-002) within 45 days after service of the responsive pleading. It will be the responsibility of the petitioner to arrange the conference and to prepare the joint statement, including areas of disagreement. (Eff. 01/01/20; Rev. 07/01/22)

4-117. REMOTE APPEARANCES (Eff. 01/01/22)

- A. This Local Rule is adopted pursuant to Civil Code of Procedure section 367.75 and California Rule of Court, rule 3.672. Notice requirements are set forth in rule 3.672 and below.
- B. For all General hearings, Law and Motion hearings, Ex Parte hearings, and Orders to Show Cause, parties may appear remotely with no notice to the other parties or to the Court. However, when noticing any hearing, motion,

application, or request in the probate department, a copy of the local form Instructions and Requirements for Remote Appearance (SJPR-001) must be ~~attached to~~served with the Notice of Hearing or served separately and a proof of service completed. The cCourt's preference is that the Instructions and Requirements for Remote Appearance is attached to the Notice of Hearing, rather than filed separately, whenever possible.

C. For all General hearings, Law and Motion hearings, Ex Parte hearings, and Orders to Show Cause, the Court has a Zoom video platform.

1. The Zoom video platform link and login information, as well as the rules and requirements are listed on the Court's website and ~~as well as~~ in local form SJPR-001.
2. Any recording, reproduction, or re-broadcasting of a court proceeding held remotely, including screenshots or other visual or audio copying of a hearing, is prohibited.
3. Nothing in this rule limits the discretion of the judicial officer to require parties to appear in person for General hearings, Law and Motion hearings, Ex Parte hearings, and Orders to Show Cause.

D. For Evidentiary Hearings, Settlement Conferences, Bench or Court Trials, and Jury Trials, parties must appear in person, unless the party or attorney requests and receives express written authorization to appear remotely by the judicial officer.

1. A party may request to appear remotely by filing and serving a Notice of Remote Appearance (Judicial Council Form RA-010) and proposed Order Regarding Remote Appearance (Judicial Council Form RA-020) with the Court no later than ten (10) court days before the Evidentiary Hearing, Settlement Conference, Bench or Court Trial, or Jury Trial.
2. Attached to the Notice of Remote Appearance (Judicial Council Form RA-010) must be a declaration as to why remote appearance is being requested.
3. In response to a notice of remote appearance, any party may file and serve an Opposition to Remote Proceedings Form RA-015 no later than five (5) court days before the hearing in question.
4. A party must deliver a courtesy copy of any written Notice or Opposition under (1) or (3) listed directly above to Department 11A.
5. If approved, a Zoom video platform will be provided for the parties to appear. The Court will provide the video access meeting link, or require a party to provide notice of the video access meeting link.
6. It is the responsibility of the party who requested the remote appearance to make sure the person(s) appearing remotely is familiar with the Zoom video platform and the rules and requirements of appearing remotely.

- E. Even when a remote appearance is allowed or authorized and commences, the judicial officer may terminate a remote appearance and continue the matter so that an in-person appearance can occur if technology or audibility issues interfere with the judicial officer's ability to make a determination required by the hearing, the in-person appearance is necessary to assist in the determination of the specific hearing, the court reporter's ability to make an accurate record is in question, counsel's ability to provide effective representation is in question, an interpreter's ability to provide language access is in question, or for any other reason which constitutes good cause under the circumstances. (Eff. 01/01/22; Rev. 07/01/22; Rev. 07/01/23 and 01/01/25)

4-505 **COMPENSATION AND FEES FOR ATTORNEY OF CONSERVATEE OR MINOR** (Eff. 01/01/20)

A. Fees of Attorney for a Conservatee or a Minor

1. The Conservator(s) or Guardian(s) or attorney for the Conservator(s) or Guardian(s) and the attorney for the Conservatee or Minor shall communicate with each other regarding the issue of attorney fees for the attorney for the Conservatee or Minor. A request for fees for the attorney for the Conservatee or Minor shall be addressed in all accounts.
2. The ~~eo~~Court will ordinarily allow a sum not to exceed \$1,000.00 as fees for the attorney for the Conservatee or Minor without specific itemization. The work covered by this fee includes the review of the Court Investigator's report, review of an account, if any, conferring with the Conservatee or Minor, and a report to the ~~e~~Court, either orally or in writing.
3. If fees for the ~~a~~Attorney for a conservatee or minor is not addressed in the petition for accounting, an attorney for the conservatee or minor who requests attorney fees not to exceed \$1,000.00 may make the request by way of ~~Ex ex Parte parte Application application as follows:~~ per local rule 4-106.
 - ~~a. The Ex Parte Application must be accompanied by a Notice of Hearing with a proof of service of mailing of the application and notice to all parties otherwise entitled to notice of a petition for fees.~~
 - ~~b. The Ex Parte Application must be submitted with the filing fee required by GC §70657(a)(2), as amended,~~

~~c. The Ex Parte Application will be set for hearing on the court's Ex Parte calendar on ten (10) days' Notice. No appearance will be required at the Ex Parte hearing. If there are any issues at the time of the Ex Parte hearing, the court will continue the matter so that the attorney will have an opportunity to appear.~~

~~d. An Order shall be submitted with the Ex Parte Application. If there are no Objections to the Ex Parte Application, the Court will issue the Order for Fees at the hearing. (Eff. 01/01/20; Rev. 07/01/22).~~

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 eCourt.

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 eCourt. The eCourt shall seal any such document for which a request is made by the party submitting the document.

4-803. SETTLEMENTS CREATING A TRUST (Eff. 01/01/20)

Where the settlement includes ~~establishment~~the establishment of a special needs trust, or other trust:

A. In all cases where a petition to approve the compromise of a claim of a minor or person with disability filed under Probate Code ~~§ section~~ 3600 et seq. proposes to have the settlement funds distributable to the minor or person with disability administered under a special needs trust or other trust, as provided in Probate Code ~~§§ section~~ 3602, 3604 or 3611, the petition to establish the special needs trust or other trust must be filed under a separate case number, for approval concurrently or before the Minors Compromise.

~~A.~~B. No payment or transmittal of the proceeds of the settlement agreement or judgment distributable to the minor or person with disability shall be made to the trustee until the special needs trust or other trust has been approved for establishment.

~~B.~~C. The order approving the settlement shall provide, as a condition of final approval of the settlement, that the trustee shall file an Acceptance of

Trust and receipt of funds within 30 days of the order being filed. (Eff. 01/01/20; Rev. 07/01/22)

Rule 7 – Family Law

7-116. REMOTE APPEARANCES (Eff. 01/01/22)

- 1) This Local Rule is adopted pursuant to Civil Code of Procedure section 367.75 and California Rule of Court, rule 3.672. Notice requirements are set forth in rule 3.672 and below.
- 2) For Law and Motion hearings, and Ex Parte hearings, parties may appear remotely by telephone pursuant to Civil Code of Procedure section 367.75 and California Rule of Court, rule 3.672.
 - a. Parties may stipulate either orally or in writing to waive notice of other parties' appearing remotely for Law and Motion hearings and Ex Parte hearings.
 - b. This Court waives notice of parties appearing remotely for Law and Motion hearings and Ex Parte hearings.
 - c. Nothing limits the discretion of the judicial officer to require parties to appear in person for Law and Motion hearings and Ex Parte hearings.
 - d. A remote appearance for Law and Motion hearings and Ex Parte hearings will not be permitted if the tentative ruling posted for the hearing states that an in-person appearance is required, or the court advises the person requesting to appear remotely that the judicial officer has determined that an in-person appearance is necessary.
- 3) For Law and Motion hearings, and Ex Parte hearings the Court ~~has~~ may select a video platform or a telephone Bridge Conference Line platform that supports audio only.
 - a. The Bridge Conference Line call-in numbers will be provided to parties who have been approved to call in. ~~and are listed on the Court's website.~~
 - b. At the discretion of the Judicial Officer, a ~~Zoom~~ video platform may be provided for the parties to appear. The Court will provide the

video access meeting link, or require a party to provide notice of the video access meeting link.

- c. Any recording, reproduction, or re-broadcasting of a court proceeding held remotely, including screenshots or other visual or audio copying of a hearing, is prohibited.

4) For Evidentiary Hearings, RFOs, Mediations, Settlement Conferences, Trials, and hearings on Orders to Show Cause, parties must appear in person, unless the party or attorney requests and receives express written authorization to appear remotely by the judicial officer.

- a. A party may request to appear remotely by telephone by filing and serving an Ex Parte Application for ~~Telephonic~~ Remote Appearance at Hearing and Order (Form SJ-FL-005) with the Court no later than 10 court days before the Evidentiary Hearing, Mediation, Settlement Conference, Trial, or Order to Show Cause. Any objections must be filed and served no later than five (5) days after service of the Application.

- 5) Even when a remote appearance is authorized and commences, the judicial officer may terminate a remote appearance and continue the matter so that an in-person appearance can occur if technology or audibility issues interfere with the judicial officer's ability to make a determination required by the hearing, the in-person appearance is necessary to assist in the determination of the specific hearing, the court reporter's ability to make an accurate record is in question, counsel's ability to provide effective representation is in question, an interpreter's ability to provide language access is in question, or for any other reason which constitutes good cause under the circumstances.

A. Definitions

For purposes of this section, telephonic appearance means a landline, cell phone, or tablet allowing the user to hear all other users at other locations using the court's bridge line number.

B. Application

This rule applies to any matter to be heard in a family law department, subject to the approval of the judicial officer.

C. Procedure

- 1) The court must ensure that the statements of participants are audible and/or visible to all other participants and the court staff and that the statements made by a participant are identified as being made by that participant.
- 2) The party, attorney, or witness must timely join the telephone conference hearing at least 10 minutes prior to the scheduled hearing. Do not announce your presence until the Court calls your case. Simply stay on the telephone line, even if there is only silence, until the Commissioner/Judicial Officer starts the hearings, and then continue to listen quietly until your case is called. The Commissioner/Judicial Officer will conduct a roll call and if you are not present, your matter will be dropped from the calendar or reset. Until your case is called, refrain from speaking.
- 3) The party, attorney, or witness must provide the Court with their mobile phone number and email address at the time of the hearing. A party, attorney, or witness shall register his/her email address and mobile phone number with the Court through the Online Services, Attorney Registration page on the Court's website. You do not need to be an attorney to register.
- 4) Parties must first identify themselves whenever speaking and only one party at a time may speak and must pause prior to speaking in case there is any audio lag.
- 5) No child(ren) or third parties shall be present for the hearing; only the parties, their attorneys, and witnesses.
- 6) Any and all documents a party/attorney wants the court to consider shall be submitted with a party's moving/opposition papers 5 court days prior to the hearing. In the event the court requires a party/attorney to submit a document at the time of the hearing, the party/attorney must send the document in a .pdf format to the court at familycourtclerks@sjcourts.org, and must copy all counsel of record and self-represented parties on that email. The case name, number, and hearing date must be stated in the subject line of the email and the other party or their attorney must be copied (cc'd) in the email or the court will not consider the document as it is an ex parte communication.
- 7) For matters heard in department #5A, parties must provide any documents they want the court to consider prior to the hearing and must provide copies to the other side. Any documentary evidence the parties wish the bench officer to consider must be emailed directly to the other party or that party's attorney, if represented, and, if the matter is a DCSS matter, then to DCSS at least five days prior to the hearing, excluding any Saturday, Sunday, or holiday as provided for under Code of Civil Procedure section 135. Failure to provide at least five court days' notice of proffered documentary evidence may result in a continuance to another court date and/or its exclusion. If no

email exists for the opposing party or counsel, alternative methods of service must be used (e.g., text, mailing, or instant message). The bench officer will determine the sufficiency of any such alternative service method. If there is a document the Commissioner/Judicial Officer requires you to submit the day of the hearing, you must send the document to the court at familycourtclerks@sjcourts.org. The case name, number, and hearing date must be stated in the subject line of the email and the other party or their attorney must be copied (cc'd) in the email or the Commissioner/Judicial Officer will not consider the document as it is an ex parte communication.

- 8) These telephone conference hearings may be abbreviated due to the limited ability to hear evidence under these circumstances. The Commissioner/Judicial Officer may make interim orders and your case could be continued for additional consideration at a later date.
- 9) Any recording of the telephone conference is absolutely prohibited. Violation of these prohibitions may result in sanctions, including removal of court-issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court.