



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

NEAL TANIGUCHI (650) 261-5016  
COURT EXECUTIVE OFFICER  
CLERK & JURY COMMISSIONER

March 19, 2019

To All Interested Persons,

The Court is making changes to its Local Court Rules. These new changes will become effective on the date indicated in the proposal. The Court invites you to review and provide your comment on these proposals as afforded pursuant to the State of California Rules of Court, Rules 10.613 and 10.815.

You may send your comments to:

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

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

Comments must be received in our office no later than **2:30 P.M., May 17, 2019**.

Sincerely,  
Neal Taniguchi, Court Executive Officer

A handwritten signature in cursive script that reads "Blake Cox".

By: Blake Cox  
Court Rules Committee Staff

**INVITATION FOR PUBLIC REVIEW AND COMMENT**  
**[Proposed Effective Date of July 1, 2019]**

Pursuant to California Government Code § 70631 and California Rules of Court, Rule 10.613 (g) and 10.815(b), the following proposed amendments to the Local Rules are hereby distributed for public comment and notice. The affected items are:

**Proposed Revisions to Local Court Rules**

- |              |   |
|--------------|---|
| July 2019-01 | <b>DIVISION II – COURT MANAGEMENT – SUPERIOR COURT</b><br><b>CHAPTER 1 Form and Service of Papers</b><br>Rule 2.1.5 Permissive Electronic Filing of Documents |
| July 2019-07 | <b>DIVISION IV – PROBATE DEPARTMENT</b><br><b>CHAPTER 12 Guardians and Conservatorships</b><br>Rule 4.81.20 Death of Conservatee                              |

**Submitting Comments**

- Comments must be submitted addressed to *Proposed Rules* via email at [smsccomment@sanmateocourt.org](mailto:smsccomment@sanmateocourt.org).
- Please state the proposal number, the section and paragraph number on which you are commenting and your comment.
- Comments must be received **no later than 2:30 P.M. May 17, 2019**.

**PROPOSED AMENDMENTS TO LOCAL COURT RULES – Effective July 1, 2019**

<b>Proposal Jul. 2019 – No. 01</b>	
<b>Title</b>	<b>LOCAL RULE 2.1.5 – Permissive Electronic Filing of Documents</b>
<b>Summary</b>	Changes to e-filing rule.
<b>Discussion</b>	Paragraph A is amended to now allow permissive e-filing in civil limited and unlimited cases.
<b>Proposed Changes</b> (insert text of new rule or changes here with track changes)	<p>A. The Court permits parties to electronically file documents in any civil class action, civil coordinated action, civil action that is provisionally complex under Rule 3.400(c) of the California Rules of Court, or civil action that is deemed complex pursuant to CRC Rule 3.403. <i>The Court permits parties to electronically file documents in any Civil Limited cases and in any Civil Unlimited cases.</i> The Court permits parties to electronically file documents in any action or proceeding brought under the Family Code. The Court permits parties to electronically file documents in any action or proceeding to which the Probate Code applies, pursuant to CRC Rule 7.802. The Court permits parties to electronically file documents in any action under the jurisdiction of the Small Claims Court, pursuant to Code of Civil Procedure Section 116.110 et seq. The Court permits parties to electronically file documents in any Unlawful Detainer action brought under Code of Civil Procedure Sections 1159 through 1179a. The Court permits parties to electronically file documents in any felony or misdemeanor Criminal action (but not Traffic Court or infraction cases). The Court does not presently permit electronic filing in other types of cases.</p> <p>(Adopted, effective January 1, 2014) (Amended, effective January 1, 2017)(Amended, effective July 1, 2017) (Amended, effective January 1, 2019) <i>(Amended, effective July 1, 2019).</i></p>

**Proposal Jul. 2019 – No. 02**

<b>Title</b>	<b>LOCAL RULE 4.81.20 – Death of Conservatee</b>
<b>Summary</b>	Provide a deadline for final accounting by a conservator.
<b>Discussion</b>	<p>Due to the nature of the cases handled by the Public Guardian, it will, in most cases, be unable to meet the newly-amended deadline of 60 days from the date of death for final accountings. Before preparing and filing a final accounting after the death of a conservatee, the Public Guardian must, among other tasks, complete the following: obtain a certified copy of the conservatee’s death certificate; close and/or transfer all outside accounts, sources of income, and recurring bills/debits; locate next of kin for the purposes of disposition of the conservatee’s remains pursuant to Health &amp; Safety Code Section 7100, <i>et seq.</i> or, if none, handle disposition of the conservatee’s remains; and identify personal representative to receive remaining conservatorship assets. These tasks require coordination with third-parties, many of whom are unable to provide the required information/action within the 60-day deadline. Unlike most conservatorship cases involving a private professional fiduciary, the Public Guardian’s conservatees often lack a unified estate plan. Further, unlike in many cases where a family member acts as conservator, the Public Guardian lacks the legal priority to make decisions regarding disposition of remains and to act as personal representative.</p> <p>The Court has created exceptions for the Public Guardian in related Local Rules, including those involving the filing of Accounts and Reports (Rule 4.81.17) and Confidential Status Reports (4.81.18).</p>
<b>Proposed Change(s)</b>  (insert text of new rule or changes here with track changes)	<p>Upon the death of a conservatee:</p> <p>(c) For conservator of the estate, a final account shall be filed and approved within 60 days before the conservator will be discharged, unless otherwise waived by the court. <i>The Public Guardian is exempt from the 60-day requirement. The Public Guardian shall, within 120 days from the date of death of the conservatee, file either (1) a final account or (2) a status report showing the condition of the conservatorship estate, the reasons why the final account cannot be filed with 120 days, and an estimate of the time needed to file the final account.</i></p> <p>(Adopted, effective July 1, 2004 [formerly Rule 4.81(l)]) (Amended, effective January 1, 2019) <i>(Amended, effective July 1, 2019).</i></p>