



SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO
WWW.SACCOURT.CA.GOV

Effective May 6, 2020

Implementation of Court Closure Mitigation Plan for May 6, 2020 Until Further Notice

Probate Proceedings

The Coronavirus (COVID-19) continues to pose an unprecedented health and safety threat to the public. Due to the increasing risks presented by the COVID-19 pandemic, all court operations shall be closed to the public as provided for in the General Order of the Presiding Judge, dated April 16, 2020. (<https://www.saccourt.ca.gov/general/docs/april-16-2020-order-closure-extension-and-added-emergency-relief.pdf>).

As the state and county public health directive to “stay at home” continues to extend, it has become necessary to balance the safety of our community and explore the use of alternative technology and innovation to incrementally increase essential court services. Consistent with the Order signed by the Presiding Judge on [May 7, 2020](#), the court is authorizing the resumption of limited but essential services in Probate as set forth below.

During this period of the court closure, for Probate, critical proceedings still include ex parte emergency petitions for temporary Conservatorship and Guardianship which will still be adjudicated.

To avoid delay in processing your ex parte application, you must follow the procedural directives for notice, provision of telephone contact information for all parties, and submission of a proof of service as applicable.

Zoom Telepresence Hearings

All hearings scheduled and rescheduled moving forward, until further notice, will be Zoom telepresence hearings. There will be no public access to the courtroom.

In order to participate in your Zoom hearing, you must either use a computer or smart device with internet access, and have downloaded the Zoom Application. If you do not have compatible technology, then you can attend the hearing using a telephone and calling a designated toll free Zoom telephone line.

You must appear by Zoom or Telephone using the designated department account referenced in your notification at least 5 minutes before your scheduled hearing date and time; and wait for a court representative to take roll. The court will provide Zoom account/ID information to you with your notification of a scheduled or rescheduled hearing. For further Zoom Instructions, please click the link

to the court's webpage at <https://www.saccourt.ca.gov/family/docs/zoom-court-hearing-instructions-042320.pdf>.

Prior to your scheduled hearing date, please continue to frequently check the Probate section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/probate/probate.aspx>, for any new information and advisements, as hearings could potentially change from Zoom to in-person hearings.

Ex Parte Applications

- 1) In the event of an emergency, the moving party may present an *ex parte* application for immediate relief upon proper notice to any opposing party via the court drop-box (located at the Family Court @ 3341 Power Inn Road, Sacramento, CA 95826) or by emailing to Dept129@saccourt.ca.gov. Parties must submit their *ex parte* application via drop-box or email at least 24 hours in advance of their desired *ex parte* hearing, date and time. For example, if your *ex parte* is noticed for Wednesday, May 13, 2020, at 8:30 am, you should have submitted your *ex parte* application to the court by Tuesday, May 12, 2020, at 8:30 am.
- 2) The moving party shall provide the interested party(ies) with the noticed date and time (Monday through Friday; 8:30 am for conservatorship and other *ex parte* applications, and 10:00 am for guardianship) of the *ex parte* application, and a (hard or electronic) copy of the application. The moving party shall also inform in writing the noticed party(ies) to submit any written response or objections by email to Dept129@saccourt.ca.gov by 8:30 am on the day of the *ex parte* hearing with a copy to the moving party.
- 3) At least 24 hours in advance of the *ex parte* hearing date, the moving party shall file with the court via drop box or email a completed declaration showing that the noticed party(ies) was served with:
 - a. a notice of the date and time of *ex parte* hearing
 - b. a copy of the *ex parte* application
 - c. a copy of the written advisement to the noticed party(ies) re the submission of written response or objections.
- 4) Additionally, the moving party must provide current telephone numbers for all parties, in the event the *ex parte* application requires a Zoom telepresence appearance and/or hearing to be scheduled. If a Zoom appearance is needed, the court will contact the parties and provide instructions. Once the Judicial Officer rules, based on the pleadings and/or after the Zoom *ex parte* appearance, a court representative will make the orders and documents available either by pick-up from the drop-box, attorney box, or electronically (if email address provided).
- 5) Parties are required to comply with any service requirements post the *ex parte* hearing and to submit to the court a proof of service prior the return hearing.
- 6) Counsel and parties are reminded that *ex parte* relief may only be granted upon a showing of irreparable harm or immediate danger as set forth in CRC 3.1202(c).
- 7) Any future hearings set as a result of an *ex parte* application will be set for Zoom return hearings and appearances may be subject to later change. Instructions on how to participate in a Zoom hearing will be provided as Zoom hearings are scheduled.

All other Probate, Conservatorship and Guardianship matters normally handled in Department 129 will be processed as follows:

Law & Motion Hearings (Probate Estate/Trust and Guardianship Cases)

1. Law & Motion Calendars will resume the week of May 19, 2020, using Zoom telepresence hearings. Probate estate/trust cases are heard on Tuesday through Thursday at 9:00 am. Guardianship cases are heard on Friday at 9:00 am. Parties with hearings already scheduled during the week of May 19, 2020 and beyond will receive notification through the Public Case Access System confirming their hearing date and time, and will include instructions for participating in a Zoom hearing.
2. Unfortunately, some hearings currently set on and beyond May 19, 2020, will need to be rescheduled to different hearing dates, due to calendaring limitations and conflicts. These parties will receive notification through the Public Case Access System of their new Zoom hearing date, including instructions for using Zoom.
3. Missed hearing from March 20, 2020 through May 15, 2020, will be reset and continued out to the first available hearing as calendars allow. Parties shall plan accordingly for Zoom hearings.
4. The moving party shall comply with any noticing provisions as set for in the posted minute order with regards to the underlying motion, Zoom appearance and instructions, including filing a proof of service of such, to ensure the responding party is properly noticed.
5. Parties shall comply with Local Rule section 4.01(b) for clearing Probate calendar note deficiencies in writing at least 5 court days before the hearing.
6. Guardianship investigations will resume the week of May 4, 2020, to allow the Probate Court Investigator enough time to conduct Zoom or telephone interviews with parties, in time to have the reports completed in time for hearings commencing the week of May 19, 2020.
7. Please continue to check the Probate section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/probate/probate.aspx> for any new information and advisements.

Conservatorship Matters

1. In conservatorship matters, Probate Code section 1826 requires the Probate Court Investigator to conduct an interview with the conservatee personally, and then submit their investigation report to the court. In observation of the continuing state and county public health order, personal visits cannot occur at this time. Therefore, conservatorship matters cannot proceed, but will resume once the stay at home orders are lifted and the Probate Court Investigators can resume conservatorship investigations.
2. Conservatorship cases currently set on the 9:00 am, and 11:00 am law and motion calendars during the court closure period will be administratively continued to a new hearing date in approximately sixty to ninety (60-90) days. The minute order setting forth the continued hearing date may provide that temporary orders shall remain in place. However, the affected Conservator must prepare and deposit new letters in the Court drop-box for execution by the Court.

3. Please continue to check the Probate section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/probate/probate.aspx> for any new information and advisements.

Trials and Settlement Conferences

1. At the present time, trials and settlement conferences have not been reset or continued, but will occur as soon as administratively possible.
2. Please continue to check the Probate section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/probate/probate.aspx> for any new information and advisements.

Lanterman Petris Short (LPS) Matters

1. LPS Calendars, which are heard on Tuesday at 8:30 am, will resume the week of May 19, 2020, using Zoom telepresence hearings. Parties with hearings already scheduled during the week of May 19, 2020 and beyond will receive notification from the court confirming their hearing date and time, and will include instructions for participating in a Zoom hearing.
2. Unfortunately, some hearings currently set on and beyond May 19, 2020, will need to be rescheduled to different hearing dates, due to calendaring limitations and conflicts. These parties will receive notification through the Public Case Access System of their new Zoom hearing date, including instructions for using Zoom.
3. Missed hearing from March 20, 2020 through May 8, 2020, will be reset and continued out to the first available hearing as calendars allow. Parties shall plan accordingly for Zoom hearings.
4. Please continue to check the Probate section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/probate/probate.aspx> for any new information and advisements.

Court Department 129

Department 129 will be closed to in person access, but will resume courtroom operations via Zoom telepresence hearings effective the week of May 19, 2020. Documents for the clerk's office of Department 129 can be submitted via US Mail or drop box. For the limited purposes of ex partes, parties can submit documents through the Department 129 email box. All other documents received in the email box will be rejected, unless specific authorization was provided.

Court Filings

1. Consistent with the Order for Resumption of Services signed by the Presiding Judge on May 7, 2020, the Probate Court has resumed handling and processing US Mail and drop box mail effective May 6, 2020. Any mail received during the court closure period between March 20, 2020 and May 5, 2020, will be processed as soon as administratively possible, and filed dated as May 6, 2020.
2. Please refer to the court web link for the Presiding Judge's Order at <https://www.saccourt.ca.gov/general/docs/extended-court-closure-mitigation-plan-resumption-of-probate-services-050420.pdf>
3. Hearings generated from any such filings will be scheduled for Zoom telepresence hearings. Zoom instructions are located on the court's webpage at <https://www.saccourt.ca.gov/family/docs/zoom-court-hearing-instructions-042320.pdf>.

Self Help Center

1. Commencing May 1, 2020, the Self Help Center will re-open e-Correspondence services, offering assistance to parties with questions involving probate matters.
2. As resources increase, Zoom telepresence workshops may be offered.
3. Assistance with the above referenced services can be initiated through the e-Correspondence system. Please continue to check the Family and Children section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/family/family-law.aspx> for any new information and advisements, as ongoing information is subject to change.

Probate Court Investigations

1. Guardianship investigations will resume the week of May 4, 2020, to allow the Probate Court Investigator enough time to conduct Zoom or telephone interviews with parties, in time to have the reports completed for hearings commencing the week of May 19, 2020.
2. In conservatorship matters, Probate Code section 1826 requires the Probate Court Investigator to conduct an interview with the conservatee personally, and then submit their investigation report to the court. In observation of the continuing state and county public health order, personal visits cannot occur at this time. Therefore, conservatorship matters cannot proceed, but will resume once the stay at home orders are lifted and the Probate Court Investigators can resume conservatorship investigations.

Please continue to frequently check the Probate section of the Sacramento Superior Court Webpage at <https://www.saccourt.ca.gov/probate/probate.aspx> for any new information and advisements. Thank you for your patience during this time.