



**Superior Court of California
COUNTY OF ALAMEDA**

March 16, 2022

Notice to Attorneys and to All Interested Parties:

Invitation to Comment on Proposed Amendments to Local Rules and Forms

As required by California Rules of Court, Rule 10.613(g), the Superior Court of California, County of Alameda hereby distributes for public comment the attached proposal to amend its local rule.

The proposal also may be viewed [here](#) or [here](#). In addition, a hard copy of the proposal is available upon request by email at pcomments@alameda.courts.ca.gov or by phone at 510-891-6012.

Important dates:

- The last day to comment is **May 2, 2022 at 5:00 p.m.**
- The proposed amendment takes effect upon approval of the Chair of the Judicial Council or on **July 1, 2022**, whichever is sooner.

Text of Proposed Rules and Amendments: *see attached.*

Comments must be submitted in writing to:

Andrew Taylor
Superior Court of California, County of Alameda
1225 Fallon Street, Room 209
Oakland, CA 94612
E-mail: pcomments@alameda.courts.ca.gov

Title 7. Probate Rules

Chapter 1. General Provisions

Rule 7.2. Electronic filing and service in probate proceedings

(a) Application and effective dates

The court adopts electronic filing (e-filing) and service in all probate and probate appellate proceedings as follows:

- (1) Effective November 14, 2022, any party may agree to participate in e-filing using a court-approved e-filing service provider (EFSP). An agreement to participate in e-filing is also an agreement to serve and accept service electronically.
- (2) Effective January 1, 2023, e-filing is required for all represented parties. Counsel must e-file using a court-approved EFSP and, except as otherwise required by law, must serve and accept service electronically.
- (3) The effective dates in (1) and (2) may be postponed by the court as posted on the court's e-filing website at the link in (b).

(b) Technical requirements

E-filed documents must be in a searchable PDF format. Additional technical requirements and a list of court-approved EFSPs are posted on the court's e-filing website:

<http://www.alameda.courts.ca.gov/Pages.aspx/DomainWeb>.

(c) Exceptions

The following documents may not be e-filed:

- (1) Originals of the following:
 - (A) Wills and codicils;
 - (B) Surety bonds and undertakings;
 - (C) Letters of administration;
 - (D) Letters of guardianship;
 - (E) Letters of conservatorship;
 - (F) *Affidavit Re Real Property of Small Value* (form DE-305);
 - (G) Affidavits or declarations under Probate Code section 13101;
 - (H) Bank statements for probate accountings; and
 - (I) Final escrow closing statements.
- (2) Subpoenaed documents.
- (3) Any other document required by law to contain an original signature or to be filed in original form.

(d) Sealed documents

The following documents must be e-filed under seal:

- (1) Court investigator reports and memoranda.
- (2) Original bank statements.
- (3) For guardianships:
 - (A) *Confidential Guardianship Screening Form* (form GC-212);
 - (B) *Confidential Proposed Guardianship Questionnaire and Screening* (local court form);
 - (C) *Confidential Guardianship Status Report* (form GC-251);
 - (D) *Confidential Guardianship Termination Questionnaire* (local court form);
 - (E) Social services agency reports; and
 - (F) Child protective services screenings.
- (4) For conservatorships:
 - (A) *Confidential Supplemental Information (Probate Conservatorship)* (form GC-312);
 - (B) *Confidential Conservator Screening Form* (form GC-314);
 - (C) Regional center reports;
 - (D) *Conservatorship General Plan* (local court form); and
 - (E) *Status Report on Conservatee* (local court form).

(e) Requests to seal

- (1) To e-file documents other than those listed in (d) under seal, parties must e-file a motion for order to seal that includes a redacted version of the document with caption page that states “REDACTED” in bold type under the title, and an unredacted version of the document with caption page that states “UNREDACTED AND CONDITIONALLY UNDER SEAL” in bold type under the title. The unredacted document will be conditionally sealed until the court rules on the motion.
- (2) To e-file a document subject to a previously granted order to seal, parties must file the sealed document with caption page that states “UNREDACTED AND UNDER SEAL BY COURT ORDER [date of sealing order]” in bold type under the title.
- (3) Documents containing confidential materials filed in connection with a discovery motion do not require a court order to be filed under seal. The documents must state the word “DISCOVERY” in bold on the title page and, as appropriate, the words “TO BE FILED UNDER SEAL” or “REDACTED.” If only portions of the document are confidential, parties must file redacted and unredacted versions of the document, labeled as set forth above.

- (4) Complete unredacted courtesy copies and redacted copies of any confidential or redacted documents must be physically lodged with the department where any hearing relating to those documents will be held. The courtesy copies must be placed in separate envelopes with the words "UNDER SEAL," "LODGED CONDITIONALLY UNDER SEAL", or "REDACTED," as appropriate, on each envelope. The caption page for the enclosed documents must be taped on the outside of the envelope.

Rule 7.2 proposed effective July 1, 2022.