

NEW PROPOSED LOCAL RULES

RULE 20-602 PETITIONS AND LAW AND MOTION DEFINED

- (a) An application for relief based upon the Probate Code must be brought as a petition. An application for relief based upon the Code of Civil Procedure or Civil Code must be brought as law and motion.
- (b) Unrelated requests for relief may not be filed together and must be filed in separate pleadings.
(Eff. January 1, 2025.)

RULE 20-603 TENTATIVE RULINGS IN PROBATE LAW AND MOTION AND DISCOVERY MATTERS

Prior to the hearing, a Probate department may issue a tentative ruling in a law and motion matter, in the sole discretion of the assigned judicial officer. Probate departments electing to issue tentative rulings in law and motion and discovery matters follow Cal. Rules of Ct., Rule 3.1308(a)(2). Counsel and litigants are responsible for determining whether the department hearing their motion has made this election. If such election by the assigned judicial officer is made, the following shall apply:

- (a) Those departments issuing tentative rulings will do so no later than 3:00 p.m. on the court day preceding the scheduled hearing.
- (b) Any party who wishes to orally argue the motion may appear on the date and at the time set for hearing. No notice of intent to appear is required.
- (c) If no one appears for a hearing for which a tentative ruling has been issued and the Court has not been notified that all parties submit on the tentative ruling, the Court may take the matter off calendar or order the tentative ruling become the final ruling. The Court may also make a different ruling than that set forth in the tentative ruling at the time of the hearing.
- (d) The Court will not entertain a request for continuance unless stipulated by all parties, and no further papers may be filed once the tentative ruling has posted.
- (e) The party prevailing on the motion shall serve all parties with written notice of the Court's ruling.
- (f) Nothing in this rule requires a tentative ruling be issued on all law and motion matters.
- (g) Tentative rulings will be posted on the Court's website, www.sb-court.org, where further information can be found. Parties may notify the department that they submit to the tentative ruling at the number listed in the Court's contact information, found here [phoneroster.pdf \(sb-court.org\)](#).

(Eff. January 1, 2025.)

RULE 20-616 CONTINUANCES

- (a) If a matter is not ready for hearing at the call of the calendar, it will be continued to a date at least four (4) weeks in the future, unless good cause is shown otherwise. Any matter continued two (2)

previous times because the matter is not ready for hearing may be ordered off calendar or denied at the sole discretion of the judicial officer presiding at the hearing.

(b) If a party does not intend to proceed on any matter on the date set, that party must, no later than 4:30 p.m. on the second court day preceding the hearing date, inform the Judicial Assistant of the department in which the matter is set to be heard and the other parties. Failure of the moving party to comply with this Rule may result in the matter being taken off calendar or deemed to have been submitted for the Court's ruling.

This Rule shall not apply to matters for which a tentative ruling has been posted pursuant to Local Rule 20-603.

(Eff. January 1, 2025.)

RULE 20-1600 PROBATE COURT APPOINTED COUNSEL

In addition to the rules set forth in Rule 1400, et seq., appointed counsel in Probate matters must comply with the following:

(a) Appointment. All court appointed counsel in probate matters must meet the following requirements:

1. Counsel must meet the qualifications of California Rules of Court, rule 7.1101.
2. Counsel may not have been the subject of any disciplinary proceedings pending or filed during the preceding twelve (12) months.
3. Counsel must complete at least twelve (12) hours of MCLE during counsel's State Bar reporting period in the subjects of decedent estates, conservatorship/guardianships, or trust administration.
4. Counsel must attend and complete all court appointed counsel trainings offered by the San Bernardino County Superior Court and designated as mandatory for court appointed counsel.
5. Counsel seeking inclusion on the Probate court appointed counsel list must complete the Judicial Council form GC-010, Certification of Attorney Concerning Qualifications for Court Appointment in Conservatorship/Guardianships ("Form GC-010"), then, no later than March 31 of the following year and each subsequent year thereafter, must complete and submit a new Form GC-010. Failure to timely submit Form GC-010 may result in removal from the Probate court appointed counsel list.
6. Appointments are made in order from a list of approved appointed counsel. Once a matter has been assigned to the first name on the list, the next matter will then be assigned to the next person on the list in sequential order, returning to the top of the list once the last person on the list has had a matter assigned. For good cause judicial officers have discretion to appoint or reappoint specific counsel for specific matters. Appointed counsel are not guaranteed a minimum number of appointments or minimum amount of fees.
7. Appointments of counsel are personal and cannot be delegated to other attorneys. Only the attorney appointed by the court may render legal services to the client and appear at hearings. If appointed counsel intends to delegate tasks to another attorney who is under his or her direct supervision, before such delegation, counsel must obtain an amendment of the appointment order to include the name of the supervised attorney. Judicial officers, in their sole discretion, may approve reimbursement for

services performed by qualified paralegal staff supervised by appointed counsel pursuant to the Court's Appointed Services Fee Schedule.

8. Within forty-eight (48) hours of the court's notification of a proposed appointment, unless a shorter time is ordered by the appointing judicial officer, counsel shall notify the court whether counsel accepts or rejects the appointment. Once counsel accepts an appointment, the court will issue an order making the appointment. If a response is not received within forty-eight (48) hours of the court's notification of the proposed appointment, counsel is deemed to have waived appointment, and the court may select a new proposed counsel for appointment. Appointed counsel may not reject an appointment based upon the location where the matter is to be heard. Rejecting an appointment may result in appointed counsel being removed from the Probate court appointed counsel list.

(b) Education and Experience Requirements for Specific Areas. In addition to the requirements set forth in California Rules of Court, rule 7.1101 et seq., and section (a), counsel appointed by the court must meet the requirements for each specific area(s) of interest selected from the following:

1. **General Conservatorships.** Counsel appointed to represent conservatees or proposed conservatees in all general Conservatorship proceedings must satisfy the requirements of California Rules of Court, rules 7.1101(c) and 7.1103.

2. **Limited Conservatorships.** Counsel appointed to represent conservatees or proposed conservatees in limited Conservatorship proceedings must satisfy the requirements of California Rules of Court, rules 7.1101(c) and 7.1103.

3. **LPS Conservatorships.** Counsel appointed to represent conservatees or proposed conservatees in LPS Conservatorship proceedings must satisfy the requirements of California Rules of Court, rules 7.1101(c) and 7.1103.

4. **Guardianships/Minor's Counsel.** Counsel appointed to represent minors/wards or proposed minors/wards in Guardianship proceedings must satisfy the requirements of California Rules of Court, rules 7.1101(c) and 7.1102.

5. **Fiduciary Appointments (Including Decedent's Estate and Trust Administration)/Guardians ad Litem.** Counsel appointed to serve as a fiduciary or guardian ad litem must have at least five (5) years in the practice of California law representing or serving as a fiduciary or guardian ad litem in court proceedings. If the relevant experience is in decedents' estate or trust administration, counsel must have represented parties in at least five (5) different probate or trust administration court proceedings, including three (3) decedent's estate or trust proceedings from inception through final account and/or order for distribution.

6. **Health Care Decisions for Adults Without Conservators and Tuberculosis Detention Proceedings/Capacity Determinations.** Counsel appointed to participate in proceedings involving health care decisions for adults without conservators or tuberculosis detention proceedings/capacity determinations must satisfy the requirements of California Rules of Court, rules 7.1101(c) and 7.1103. Counsel also must have experience in matters relating to medical treatment and bio-ethical issues within the past three years and be familiar with Probate Code section 3200 or Health and Safety Code section 121365 proceedings. These cases often involve complex treatment issues and may require immediate attorney response to medical emergencies.

7. **Spousal Legal Capacity.** To represent parties in proceedings under Probate Code section 3101, counsel must be familiar with the laws and regulations for Medi-Cal eligibility, including the rules regarding the increase of the Community Spouse Resource Allowance or the minimum monthly maintenance needs allowance, exempt assets, gifting rules, special needs trusts under 42 U.S.C.

1396p(d)(4)(a) and (c), and tax and estate planning ramifications related to Medi-Cal planning. An attorney must also satisfy the requirements of California Rules of Court, rule 7.1103.

8. Special Needs Trust. To represent a party in a proceeding under Probate Code section 3600, et seq., or to establish or fund a trust that is subject to California Rules of Court, rule 7.903, appointed counsel must satisfy the requirements of California Rules of Court, rule 7.1102 or 7.1103. Appointed counsel for such matters must also be familiar with the laws and regulations for eligibility for Supplemental Security Income (SSI) and Medi-Cal, including income and asset limits, exempt assets, special needs trusts under 42 U.S.C. §1396p(d)(4)(a) and (c), ABLE accounts, and the application of MICRA to medical malpractice settlements.

(c) Representation. All counsel appointed in a matter under the Probate Code either as guardian ad litem for a party or as counsel for a proposed ward, ward, proposed conservatee, conservatee, or spouse or registered domestic partner must represent the client in accordance with applicable laws and with due diligence, including, but not limited to:

1. Appearing at scheduled proceedings;
2. Establishing and maintaining a meaningful attorney-client relationship by having sufficient direct communication (not through others) with the client, including in-person meetings, timely communicating with the client regarding developments in the case, and conferring with the client prior to the date of each subsequent court hearing;
3. Preparing and timely submitting reports that are complete, thorough and clear; and
4. Discharging the representation in compliance with ethical requirements and cost effectiveness.

(d) Fees in Guardianship and Conservatorship Matters.

1. Petitions for fees by counsel for the minor or conservatee in an ongoing case shall be made at least every two (2) years. All other fee claims must follow Local Rule 1400, et seq. with regard to the submission and timeliness of claims.

2. Upon the termination of a guardianship or conservatorship, counsel shall submit all fee petitions to be heard with or before the hearing on the final accounting.

3. All petitions for fees shall include separate subtotals setting forth the number of hours charged at each different hourly rate for which payment is requested.

4. Petitions for fees in violation of these guidelines will be denied absent a showing of good cause.

(Eff. January 1, 2025.)

AMENDED PROPOSED LOCAL RULES

RULE 320 FAX FILING

The Superior Court of San Bernardino County hereby adopts Rule 2.300 et seq., of the California Rules of Court, allowing for the facsimile filing of civil and family documents.

A party may file by fax directly with the appropriate courthouse using the facsimile numbers, which are available on the court's website.

The Court will not accept any document in any location other than the clerk's office of the courthouse where the document is required to be filed. The first sheet transmitted shall be the Judicial Council Facsimile Cover Sheet (Fax Filing) (form MC-005.) All applicable fees will be charged to the credit card provided on the cover sheet.

All facsimile filings received after 4:00 PM or on court holidays shall be deemed filed on the next court day. Confirmation of the filing of the document shall be given by standard confirmation of facsimile machines. The court will not fax a copy of the cover sheet back to the filing attorney or party. (Eff. January 1, 2011. Amended, eff. July 1, 2013. As amended, eff. January 1, 2017.)

RULE 1410 APPOINTED CRIMINAL CASES – COMPLEX FELONY

Complex felony billing rates must have express written approval of the Court. Upon application of counsel, prior to pre-trial, the criminal calendar Judge may designate complex, non-special circumstance cases as complex for purposes of the Appointed Services Fee Schedule. (Former Criminal Rules, Rule 1330, eff. January 1, 2003. Renumbered as Criminal Rules, Rule 1403, eff. January 1, 2004. Amended, eff. July 1, 2005, July 1, 2006, July 1, 2011 and July 1, 2012. Former Rule 1403, renumbered as Rule 1410, eff. January 1, 2018.)

RULE 1405 TIMELY SUBMISSION OF CLAIMS

Claims for appointed attorney fees, in matters other than Family Law pursuant to Rule 1460; and Guardianship pursuant to Rule 20-1315 and Conservatorship pursuant Rule 20-1402 20-1600, must be submitted on Court forms to the Court District where the case is heard within 60 days of completion of the case. Any claim submitted more than 60 days after completion of the case will be subject to a penalty of ten percent (10%) of the claim amount per month, up to a maximum of 20%, absent extenuating circumstances. The Court in its discretion shall determine when extenuating circumstances sufficient to justify a delay in submission of a claim exist. Any claim submitted more than 2 years after completion of the case, which the Court cannot verify as being previously unpaid, shall be denied. For the purposes of this Rule, completion of the case is defined as conclusion of the Pronouncement of Judgment in criminal matters. Billing should be for all services provided to that point. Billings for post-dispositional activities must be submitted within 60 days of the hearing with the exception of juvenile matters. If an attorney submits an appointed attorney service claim form before the end of a case, and out-of-court time is being claimed, a copy of any prior billings for the same case may be required to be submitted with subsequent billings if the Court is unable Superior Court of California, County of San Bernardino 34 to verify that prior billings for the case have not been paid. The Court staff shall review that statement to verify days and dates of service and billing amounts and submit it to the appropriate Judge, noting any deviations from Court rule or policy. The Judge shall approve the statement or modify it as appropriate. (Former Rule 1110, eff. Jan. 1, 1993. Renumbered as Rule 1411 through 1414 and amended, eff. July 1, 1998. Amended, eff. July 1, 2000, January 1, 2001, July 1, 2001, January 1, 2003, July 1, 2004, July 1, 2012,

July 1, 2013 and January 1, 2014. Former Rule 1414, amended and renumbered as Rule 1405, eff. January 1, 2018. Amended, eff. August 15, 2023 and January 1, 2025.)

RULE 20-613 PETITIONS RELATING TO REAL AND PERSONAL PROPERTY

(a) Copies of Deeds. Where the petition affects title to real property such as, Spousal Property Petition, Petition to Determine Succession to Real Property, and Probate Code §850 Petitions, a copy of the deed(s) by which the decedent acquired titled must be attached to the petition.

(b) Ownership Documents. Where the petition affects title to personal property such as, Spousal Property Petition, and Probate Code §850 Petitions, a copy of the supporting document(s) which shows decedent's ownership must be attached to the petition.

(c) Encumbrances. Where the petition affects title or change of title to real or personal property, such as Spousal Property Petition, Petition to Determine Succession to Real Property and Probate Code §850 Petitions, the petition shall include a statement listing all encumbrances (such as, but not limited to, liens, mortgages, and third-party claims) to the subject property.

(Eff. January 1, 2024; Amended January 1, 2025.)

RULE 20-614 PROBATE ORDERS

(a) All petitions, orders or decrees shall be prepared and submitted by the petitioner or attorney involved. The caption shall clearly and fully identify its contents. A caption merely entitled "Petition" or "Order" is incomplete and shall not be used.

(b) All orders or decrees in probate matters must be complete in themselves. They shall set forth all matters actually passed upon by the court, the relief granted, the names of any persons affected, the descriptions of any property affected and the amounts of any money affected. Probate orders should be sufficiently clear that their general effect may be determined without reference to the petition on which they are based.

(c) While in orders settling accounts it is proper to use general language approving the account, the report, and the acts reported therein, it is not sufficient in any order to recite merely that the petition as presented is granted or that the relief sought in the petition on file is given. Orders settling accounts or orders made on waivers of account must also contain a statement as to the balance, the dates included in the accounting period, and description of the estate on hand, specifically noting the amount of cash included in said balance.

(d) Three (3) lines of the contents of the order must appear on the page upon which the Judge's signature is affixed. In no case should any matter appear after the signature of the judge.

(Former Rule 613, rev. Dec. 1993. Renumbered as Rule 614 and amended, eff. July 1, 1998. Amended eff. January 1, 2004. Renumbered as Rule 20-614, eff. July 1, 2007. As amended, eff. January 1, 2018 and January 1, 2025.)

RULE 20-615 FILING OF COPY OF DEATH CERTIFICATE AND MARRIAGE CERTIFICATE

(a) A copy of the decedent's and/or settlor's death certificate, with the decedent's and/or settlor's social security number redacted, shall be filed with any Petition for Probate (Probate Code § 7000 et seq.), Petition to Determine Succession to Real Property (Probate Code § 13150 et. seq.), Spousal Property Petition (Probate Code § 13500 et seq.), and any Trust Petition.

(b) A copy of the Petitioner and Decedent's marriage certificate must be filed with all Spousal Property Petitions (Probate Code section 13500 et seq.) and all petitions and motions where a determination whether property is characterized as community property is requested or required. (Eff. January 1, 2023; amended January 1, 2025.)

RULE 20-1315 APPOINTMENT OF COUNSEL IN GUARDIANSHIPS OF MINORS

~~(a) Appointments of counsel are personal and cannot be delegated to other attorneys. Only the attorney appointed by the court may render legal services to the client and appear at hearings. If appointed counsel intends to delegate tasks to another attorney who is under his or her direct supervision, before such delegation, counsel must obtain an amendment of the appointment order to include the name of the supervised attorney.~~

~~(b) Requests for fees by counsel for the minor in ongoing cases shall be made at least every two years.~~

~~(c) Upon the termination of the guardianship, counsel shall submit the fee requests to be heard with or before the hearing on the final accounting or petition for waiver of accounting.~~

~~(d) Requests for fees in violation of these guidelines will be denied absent a showing of good cause.~~

~~(e) All requests for fees shall include separate subtotals setting forth the number of hours charged at each different hourly rate for which payment is requested.~~

~~(Eff., July 1, 2003. Amended, eff. July 1, 2006. Renumbered as Rule 20-1315, eff. July 1, 2007. Amended, eff. January 1, 2014 and July 1, 2016. As amended, eff. January 1, 2018.)~~

RULE 20-1402 APPOINTMENT OF COUNSEL IN CONSERVATORSHIPS

~~(a) Appointments of counsel are personal and cannot be delegated to other attorneys. Only the attorney appointed by the court may render legal services to the client and appear at hearings. If appointed counsel intends to delegate tasks to another attorney who is under his or her direct supervision, before such delegation, counsel must obtain an amendment of the appointment order to include the name of the supervised attorney.~~

~~(b) Requests for fees by counsel for the conservatee in ongoing cases shall be made at least every two years.~~

~~(c) All requests for fees shall include separate subtotals setting forth the number of hours charged at each different hourly rate for which payment is requested.~~

~~(Former Rule 1502, rev. Dec. 1993. Renumbered as Rule 1402, eff. July 1, 1998. Renumbered as Rule 20-1402 and amended, eff. July 1, 2007. Previously amended, eff. January 1, 2014, July 1, 2016, and January 1, 2018. Amended eff. January 1, 2024.)~~

NEW PROPOSED LOCAL FORMS

AMENDED PROPOSED LOCAL FORMS

IN THE MATTER OF <input type="checkbox"/> GUARDIANSHIP <input type="checkbox"/> CONSERVATORSHIP <input type="checkbox"/> TRUST <input type="checkbox"/> ESTATE <input type="checkbox"/> OTHER OF:	CASE NUMBER(S):
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8. **TELEPHONE:** I/we searched the telephone directory and called directory assistance for the following city: _____ to try and locate the person named in item 1 on (date) _____. Information obtained: _____

continued on attachment 8.

9. **PUBLIC RECORDS:** I/we searched the real and personal property indexes in the recorder's and assessor's offices for the following county: _____, where the address listed in item 2 is located. Information obtained: _____

continued on attachment 9.

10. **INTERNET:** I/we searched the Internet (including social media sites) to locate the person named in item 1:

- a. Website used: _____ Date _____ Result: _____
- b. Website used: _____ Date _____ Result: _____
- c. Website used: _____ Date _____ Result: _____
- d. Website used: _____ Date _____ Result: _____

continued on attachment 10.

11. **PRISONS AND JAILS:** I/we contacted the applicable criminal justice agency (such as California Department of Corrections Locator Service at (916) 445-6713) on (date) _____

Results: _____
 Not applicable

11. **OTHER ATTEMPTS:** I/we attempted to find and give notice to the person listed in item 1 in the following additional ways: _____

continued on attachment 11.

13. All information contained in the attachments to this form are incorporated herein by reference as though placed herein. There are _____ pages attached to this form.
(number of pages)

Despite my diligent efforts, I have been unable to locate the person named in item 1 and therefore I request that the Court excuse notice to said person and that notice be dispensed with.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Date: _____	_____ Signature
Date: _____	_____ Signature
Date: _____	_____ Signature

ATTORNEY OR PARTY WITHOUT ATTORNEY

NAME:
FIRM NAME:
STREET ADDRESS:
CITY:
TELEPHONE NO.:
ATTORNEY FOR (name):

STATE BAR NUMBER:

STATE: ZIP CODE:
FAX NO. (Optional):

For Court Use Only

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

STREET ADDRESS
MAILING ADDRESS
CITY AND ZIP CODE
BRANCH NAME

PLAINTIFF/PETITIONER:
DEFENDANT/RESPONDENT:

JUDGMENT ON SISTER-STATE JUDGMENT

CASE NUMBER:

I hereby certify that the judgment on sister-state judgment *is not* based upon a law of another state that authorizes a person to bring a civil action against a person or entity that (1) receives or seeks an abortion; (2) performs, provides, or induces an abortion; (3) knowingly engages in conduct that aids or abets the performance, provision or induces an abortion; or (4) attempts or intends to engage in the conduct described in items (1) through (3). (H&S § 123467.5)

I declare under penalty of perjury under the laws of the State of California the information above is true and correct.

Date:

(Type or Print Name)

(Signature of Judgment Creditor or Attorney)

Pursuant to the Code of Civil Procedure, Section 1710.25, and based on the Application for Entry of Judgment on Sister-State Judgment filed herein by:

(Name of judgment creditor)

Judgment Creditor(s), judgment is entered in favor of said Judgment Creditor(s) and against:

(Name of judgment debtor)

Judgment Debtor(s), in the sum of \$ _____

(To be completed by clerk)

CLERK OF THE SUPERIOR COURT

Date: _____

Clerk, by _____, Deputy

JUDGMENT ON SISTER-STATE JUDGMENT