



Superior Court of California
COUNTY OF ALAMEDA

Memorandum re Civil, Family, and Probate Cases During the Covid-19 Closure Period

Date: Updated as of April 16, 2020

The following is designed to address incoming questions during the Court's COVID-19 closure period. It will be updated as needed, however, this is an ever-changing, fluid situation. We appreciate your patience.

CIVIL, FAMILY, AND PROBATE COURT DATES BETWEEN MARCH 17, 2020 AND MAY 1, 2020 (the "Closure Period").

FILING

1. What Can I file with the Court?

At this time, during the Closure Period, the court is only accepting filings via fax or drop box as specified in [Emergency Local Rule 1.8a](#).

2. How Do I File These Matters?

The only way to file pleadings during the Closure Period is through fax filing, unless it relates to an ex parte request for emergency relief (including civil harassment, school or workplace violence petitions) in which case it may be filed via a drop box in Oakland at the Rene C. Davidson courthouse or at the Hayward Hall of Justice.

For more information, please see [Emergency Local Rule 1.8a](#).

3. Can I mail these documents?

No. The court is not processing mailed filings at this time.

4. What about papers I mailed earlier?

The court has not been able to process any mail filings received after March 16, 2020.

5. When will hearings start?

The court will start limited remote-appearance hearings the week of April 20, 2020. Civil hearings will be limited to emergency ex parte or preliminary injunction or restraining order matters that the court determines require a hearing and motions and CMC hearings filed/scheduled as of March 17, 2020.

Family hearings will be limited to Emergency and ongoing RFOs filed before March 17, as determined by bench officers.

Probate hearings will be limited to tentatively pre-granted matters and ex parte emergency hearings.

The court is not currently processing any new motions or filings. However, judges may schedule informal conferences with litigants via email.

6. What About Trials?

No trials are being held at this time.

7. How Will Hearings Be Conducted?

All hearings will be via remote technology—no in person hearings will be held at the court. The court will determine the manner of hearing, which may include video or telephonic means.

CIVIL

8. How will a matter be set for a hearing?

If the matter relates to a motion or CMC filed/scheduled as of 3/17/2020, the court will issue a Tentative Ruling. If the TR is contested, the court will schedule a hearing date and time. The hearing date and time will be at a later date than the date the motion was scheduled for. If an emergency request has been filed, the court will determine whether a hearing is required and inform the parties.

9. Will civil hearings be set daily during the Closure Period?

No. Civil hearings will be heard Tuesdays and Fridays between 8:30 a.m. and 4:30 p.m.

10. What civil matters will be set for hearing?

The only matters that will be set for hearing during the Closure period are (1) motions that were filed before March 17 and tentative rulings that have been properly contested; (2) ex parte requests for emergency relief as determined by judicial officers; and (3) case management conferences where TCMOs have been properly contested.

Judges will set preselected matters for hearing, based on priority and urgency, the week before the anticipated hearing date.

11. Will the Court conduct informal conferences during the Closure Period?

Yes, during the Closure Period, judges will conduct informal conferences outside of the formal hearing schedule.

Parties may request an informal conference, after meeting and conferring with the opposing party, by emailing the departmental clerk. The subject line of the email must clearly state "REQUEST FOR INFORMAL CONFERENCE" and list the case name and number. All parties must be cc'd on the email. The email should explain the reason for the request and whether the parties jointly agree to the request.

12. Can I file a new complaint?

Unfortunately no new filings are accepted at this time. The Chief Justice of the California Supreme Court has extended the statute of limitations on all matters in her [March 30 Emergency Order](#).

13. When will the court accepted other filings and schedule hearings or trials?

The courts ability to expand operations depends on orders and guidance from health departments, other governmental entities and the Judicial Council. The court will post any changes in operations on its website.

14. How Do I Find Out More?

Check the Alameda Superior Court [DomainWeb](#) to confirm hearing dates and times. Check the [COVID-19](#) page of the Superior Court's website for new rules and changes.

FAMILY

15. When are family cases being heard?

Starting Monday, April 20, 2020, the Court will offer limited hearing opportunities for select family law matters on Mondays and Thursdays, between 8:30 a.m. and 4:30 p.m.

16. What family matters will be heard?

During this Closure Period, the Court will only hear emergency and ongoing RFOs filed before March 17, 2020. Which matters will be selected and set for hearing will be determined by bench officers the preceding week.

17. When will the court begin accepting additional family-related filings?

The court recently reopened its fax filing system. Depending on staffing availability and our fax filing bandwidth, it is possible that greater filing opportunities will occur in the future. For now, Family is limited to Ex parte Emergency Requests, Restraining orders, Stipulations and Orders and limited DCSS filings. All other filings will be held until the court reopens.

18. I have a court date scheduled in April or May. Will it be continued?

The current closure lasts until May 1. The Court continues to monitor and follow federal, state, and local health and safety guidelines and will consider those in determining when to resume regular court operations. These guidelines suggest that it is unlikely the Court will resume regular court operation on May 4. However, you should *not* assume that any court date after May 1 will automatically be continued, as the court continues to explore remote and other appearance opportunities. The Court will notify you by mail of all continuances. If your case is selected for a video hearing, the Court will contact you and provide additional remote hearing details.

19. If I can't file a new Petition or a Request for Order how do I establish Automatic Temporary Restraining Orders (ATROs) or retroactivity dates for support orders or modifications?

This is one of the biggest issues with being unable to file new petitions and RFOs. If parties have lawyers, they should be seeking resolution outside the court and filing Stipulations and Orders. If that is not possible, then lawyers and parties should keep careful email records of correspondence indicating that opposing parties were put on notice of an intent to file certain requests and an inability to file those requests because the court was closed.

20. What is happening with my judgment or FOAH that was submitted before the closure?

Judgments which were submitted but not signed before March 17, 2020 will not be processed until the court reopens. Similarly, FOAHs which were submitted but not signed before the closure will not be processed until the court reopens.

21. Is Family Court Services still open and conducting mediation?

Family Court Services is still conducting mediation remotely. If you were previously referred to FCS for mediation and are contacted by a Child Custody Recommending Counselor you should cooperate and participate in the mediation.

22. Are settlement conferences or trials being conducted during the Closure Period?

Commissioner Bishay is available to conduct currently scheduled settlement conferences and is willing to hear settlement conferences on cases not currently set. However, these settlement conferences will be conducted remotely and likely without clerk or reporter support. Parties wishing to engage in settlement can email Commissioner Bishay directly. Trials currently scheduled in Dept. 503 during the Closure Period will be continued if parties do not otherwise reach agreement.

PROBATE

23. When are these Probate cases being heard?

The court will start limited remote- appearance hearings the week of April 20, 2020. All Probate Limited Hearings are being heard on WEDNESDAYS. If your case is set in Department 202, the hearings are in the morning from 9 a.m. to noon. If your case is set in Department 201, the hearings are in the afternoon from 1:30 p.m. to 4:30 p.m.

24. How do I appear remotely for a Probate case that is on the Probate Calendar?

You should check the examiner notes for the case on the Domain Website for instructions. The court will post a list of cases that are being heard on Wednesdays by 10 a.m. on Tuesdays with the ID number for appearing by video or telephone. You may also contact the Probate Courtroom clerk for assistance at ProbateClerk2@alameda.courts.ca.gov.

25. If I do not have any objection to the Probate Petition, do I still need to appear?

No, you only need to appear if you have an objection.