



Superior Court of California
COUNTY OF ALAMEDA

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

Date: Updated as of May 7, 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 31, 2020 (the "Closure Period").

FILING

1. What can I file with the Court?

At this time, the Court is accepting all filings, including new complaints and other case-initiating documents, except for documents relating to appeals or unlawful detainer matters, as specified in [Emergency Local Rule 1.8a](#).

2. How do I file these matters?

These pleadings may be filed during the Closure Period by mail, fax filing, or drop box filing, as specified in [Emergency Local Rule 1.8a](#).

3. Can I mail these documents?

Yes, most of the documents can be filed by mail. See [emergency Local Rule 1.8a](#) for specifics.

4. What about papers I mailed earlier?

The Court is processing documents received by mail after March 17, 2020. Those documents, once processed, will be file stamped as specified in [emergency Local Rule 1.8a](#). Please note that because of the volume of backlogged filings and due to resource constraints, the processing of documents submitted by mail may be delayed.

5. When will hearings start?

The Court started limited remote-appearance hearings the week of April 20, 2020. Effective May 4, 2020, the Court will, within technological and resources limitations, expand to include remote hearings for the following matters: 1) motions filed prior to March 17, 2020; 2) motions that relate to a case with a trial date currently set between May 4, 2020 and August 31, 2020; 3) motions for which a reservation number was obtained for a date after March 17, 2020.

The full list of matters that will be heard is set forth in [emergency Local Rule 1.8a](#).

Judges may also schedule informal conferences with litigants via email.

6. What about trials?

No jury trials are being held at this time. See the Statewide Orders issued by Hon. Tani G. Cantil-Sakauye, Chief Justice of California and Chair of the Judicial Council of California, on [March 23](#), [March 30](#) and [April 29, 2020](#).

However, Court trials may be conducted remotely via videoconference. The Court will provide additional procedural information to parties and counsel conducting remote court trials.

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 permitted by Emergency Rule 1.8a or a case management conference, the Court will issue a tentative ruling (TR). If the TR is contested (see [Local Rule 3.30\(d\)](#)), the matter will be heard. The hearing date and time may 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?

Effective May 11, 2020, each civil department will have a specific day and time period each week for hearings, and previously scheduled hearings will be reset as necessary to the applicable department day and time. Hearings will be limited as set forth in [emergency Local Rule 1.8a](#).

10. 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.

11. Can I file a new complaint?

Yes, as of May 11, 2020, the Court will accept new complaints for filing in all case types except for unlawful detainers. Please note also that on April 6, 2020, the Judicial Council of California adopted [Emergency Rule 9](#), which extended the statute of limitations on all matters.

12. Where can I go for additional information?

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

FAMILY

13. When are family cases being heard?

Starting April 20, 2020, the Court began hearing limited Family matters on Mondays and Thursdays. Starting May 4, 2020, the Court will expand its remote hearings to include hearings each day of the week, and each bench officer will be assigned a session (half-day) per week. A schedule of remote hearings will be linked on the Court's [COVID-19 web page](#).

14. What family matters will be heard?

During this Closure Period, the Court will only hear emergency and ongoing RFOs filed before March 17, 2020. Commencing May 4, 2020, the Court will begin hearing restraining order matters, primarily in Dept. 502 but also in other RFO departments. See [emergency Local Rule 5.38](#) for details. Which matters will be selected and set for hearing will be determined by bench officers the preceding week.

15. When will the Court begin accepting additional family-related filings?

As of May 11, 2020, the Court is accepting all family-related filings by fax filing, drop box, and mail. See [emergency Local Rule 1.8a](#) for details.

16. I have a court date scheduled in May or June. Will it be continued?

Given the recent extension of the Alameda County Shelter in Place Order, the current Closure Period will last until at least May 31, 2020. 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. Because the Court continues to explore remote and other appearance opportunities, the Court will notify you by mail if your case is being continued or if it has been selected for a video hearing. If your case has been set for video hearing, the Court will contact you and provide additional remote hearing details.

17. 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 are now being processed and filed. Judgments submitted as a part of informal settlement conferences will also

be processed and filed. The Court has now expanded its filing capabilities to accept FOAHs for hearings held before the Closure Period and hearings that are held during the Closure Period.

18. 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.

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

Commissioner Bishay in Department 504 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 will be informal, i.e., will likely not involve a courtroom clerk or court reporter. Parties wishing to engage in settlement should review [emergency Local Rule 5.46](#). Trials currently scheduled in Dept. 503 during the public closure period will be continued if parties do not otherwise reach agreement. [Emergency Local Rule 5.26](#) provides more details on informal settlement for all pending RFOs, long cause hearings and trial in the RFO departments.

PROBATE

20. When are Probate cases being heard?

The Court will start limited remote appearance hearings the week of April 20, 2020. Hearings will be held in Department 202 on Wednesdays and in Department 201 on Thursdays.

21. 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 [DomainWeb page](#) or the tentative rulings page for the appropriate probate department on the Court's [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.

22. How can I obtain certified copies?

You may make a request for certified copies by mail or through the drop box at the Berkeley Courthouse. You must include a check for \$40 for each certified copy and \$0.50 per page for the document you want certified.

23. 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.