

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Summary of Proposed Amendments to Title 1, Chapter 1, rule 1.9 of the Local Rules

Presentation of papers for filing in civil, family law, and probate

The proposed amendments to rule 1.9 of the court's Local Rules ("Rules"), currently entitled *Filing of documents in civil, family, and probate matters*, are part of the court's continuing effort to review, correct, and update its Rules as needed.

SUMMARY

The proposed amendments clarify the court locations where specified types of papers may be filed and clarify that local rule 1.9 does not apply to facsimile filings.

Below is the full text of the current rule followed by the proposed local rule with deletions noted in ~~strikethrough~~ and additions noted in underline.

CURRENT Rule 1.9. ~~Filing of documents in civil, family, and probate matters~~

~~The court locations at which pleadings in civil, family and probate matters must be filed are as follows:~~

- ~~(a) General civil pleadings and other papers, including small claims and unlawful detainer, must be filed at the René C. Davidson Courthouse or the Hayward Hall of Justice, except as otherwise provided herein.~~
- ~~(b) Pleadings and other papers for dissolution of marriage, legal separation, nullity or paternity must be filed at the George E. McDonald Courthouse or the Hayward Hall of Justice.~~
- ~~(c) Pleadings and other papers for probate must be filed at the Berkeley Courthouse.~~
- ~~(d) Pleadings and other papers for actions involving the Lanterman-Petris-Short Act (LPS) must be filed at the René C. Davidson Courthouse.~~
- ~~(e) Pleadings and other papers for actions involving the False Claims Act under Government Code section 12650-12656 (including Qui Tam) must be filed at the René C. Davidson Courthouse (California Rules of Court, rule 2.571(b)).~~
- ~~(f) Following assignment of a civil or family law case to a specific department, all papers in such case shall be filed at the court facility where that department is located. For purposes of this subparagraph, the René C. Davidson Courthouse is~~

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

~~the filing location for departments situated in the Alameda County Administration Building and the United States Post Office.~~

PROPOSED Rule 1.9. Presentation of papers for filing in civil, family law, and probate

(a) Definition of a Civil Case.

For purposes of this rule, a "Civil Case" is an action or proceeding prosecuted by one party against another for the declaration, enforcement, or protection of a right or the redress or prevention of a wrong. Civil Cases include all cases except criminal cases, traffic cases, petitions for habeas corpus, "Family Law Cases" as defined in subparagraph (b) below, and proceedings in the Juvenile Court.

(b) Definition of a Family Law Case.

For purposes of this rule, a "Family Law Case" is any action or proceeding under the Family Code.

(c) When this rule does not apply.

This rule does not apply to pleadings, papers, forms, documents, and writings filed by facsimile transmission in compliance with section 1010.5 of the Code of Civil Procedure, rules 2.300-2.305 of the California Rules of Court, and Local Rule 1.8.

(d) Presentation of papers for filing in a Civil Case.

Except as provided in subparagraphs (f) - (k), all pleadings, papers, forms, documents, and writings to be filed in a Civil Case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612 or the office of the civil clerk located at the Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544.

(e) Presentation of papers for filing in a Family Law Case.

Except as provided in subparagraphs (f) - (k), all pleadings, papers, forms, documents, and writings to be filed in a Family Law Case must be presented for filing at the George E. McDonald Courthouse, First Floor, 2233 Shoreline Drive, Alameda, California 94501, or at the office of the family law clerk located at the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544.

(f) Presentation of papers for filing in Probate Code proceedings.

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

All pleadings, papers, forms, documents, and writings to be filed in a proceeding under the Probate Code must be presented for filing at the Berkeley Courthouse, 2120 Martin Luther King, Jr. Way, Berkeley, California 94704. Notwithstanding the foregoing, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Civil Cases, then paragraph (j) of this rule applies; and, if a proceeding under the Probate Code is assigned to an individual judge or commissioner who generally hears Family Law Cases, then paragraph (k) of this rule applies.

(g) Presentation of papers for filing in proceedings under the False Claims Act or the Lanterman-Petris-Short Act.

All pleadings, papers, forms, documents, and writings to be filed in a case brought under Government Code sections 12650-12656 (False Claims Act) or in a case brought under Welfare and Institutions Code sections 5000 et seq. (Lanterman-Petris-Short Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

(h) Presentation of papers for filing in proceedings requesting issuance of certain protective orders.

All pleadings, papers, forms, documents, and writings to be filed in a case requesting issuance of a protective order under Family Code sections 6200 et seq. (Domestic Violence Prevention Act), Welfare and Institutions Code section 15657.03 (Elder Abuse and Dependent Adult Civil Protection Act), Code of Civil Procedure section 527.6 (Civil Harassment Prevention), Code of Civil Procedure section 527.85 (Private Postsecondary School Violence Prevention), or Code of Civil Procedure section 527.8 (Workplace Violence Safety Act) must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; the George E. McDonald Hall of Justice, First Floor, 2233 Shoreline Drive, Alameda, California 94501; or the office of the family law clerk located at the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544.

(i) Presentation of papers in an adoption case for filing

All pleadings, papers, forms, documents, and writings to be filed in an adoption case must be presented for filing at the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612; or the office of the civil clerk located at Hayward Hall of Justice, Room 108, 24405 Amador Street, Hayward, California 94544.

(j) Presentation of papers for filing upon issuance of an order assigning or reassigning a Civil Case

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

Upon issuance of an order assigning or reassigning a Civil Case to an individual judge sitting in a department of this court, all pleadings, papers, forms, documents, and writings to be filed in such case shall be presented for filing at the filing location for such department. For purposes of this subparagraph, the filing location for all departments situated in the Alameda County Administration Building, 1221 Oak Street, Oakland, California 94612, all departments situated in the United States Post Office Building, 201 13th Street, Oakland, California, 94612, and all departments located in the Wiley W. Manuel Courthouse, 661 Washington Street, Oakland, California 94607 is the René C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California 94612.

(k) Presentation of papers for filing upon assigning or reassigning a Family Law Case

Upon the assignment or reassignment of a Family Law Case to an individual judge or commissioner sitting in a department of this court, all pleadings, papers, forms, documents, and writings to be filed in such case shall be presented for filing at the office of the clerk situated where the department is located. With regard to Family Law Cases assigned or reassigned to a judge or commissioner sitting in the Gale/Schenone Hall of Justice, 5672 Stoneridge Drive, Pleasanton, California 94588, the filing location is the office of the family law clerk located at the Hayward Hall of Justice, Room 104, 24405 Amador Street, Hayward, California 94544.