



**Superior Court of California  
COUNTY OF ALAMEDA**

September 9, 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](mailto:pcomments@alameda.courts.ca.gov) or by phone at 510-891-6012.

**Important dates:**

- The last day to comment is **October 28, 2022, at 5:00 p.m.**
- The proposed amendment takes effect upon approval of the Chair of the Judicial Council or on **January 1, 2023**, 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](mailto:pcomments@alameda.courts.ca.gov)

## 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).~~

### **(a) Mandatory use of electronic filing**

Effective April 1, 2023, represented parties and other represented persons must participate in electronic filing (e-filing) using a court-approved electronic filing service provider (EFSP) and must serve and accept service electronically, except by court order or if other service is required by law. Under rule 2.253(b)(4) of the California Rules of Court, anyone required to e-file may request an exemption by filing a *Request For Exemption From Mandatory Electronic Filing and Service* (form EFS-007) with the assigned department.

### **(b) Permissive use of electronic filing**

Effective February 21, 2023, any party or other person may consent to participate in e-filing, using a court-approved EFSP, by filing a notice of consent with the court and service all parties. Unless other service is required by law or court order, anyone who consents to participate in e-filing must consent to serve and accept service electronically.

### **(c) Effective dates**

The above effective dates may be reset by the court, as posted on the court's website.

### ~~(b)~~**(d) TechnicalAdditional requirements**

~~E-filed d~~ Documents must be e-filed in a searchable PDF format and comply with the technical requirements listed on the court's website, which includes a list of court-approved EFSPs. ~~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>~~

### ~~(e)~~(e) **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;
  - ~~(C)~~(D) Letters testamentary;
  - ~~(D)~~(E) Letters of guardianship;
  - ~~(E)~~(F) Letters of conservatorship;
  - ~~(F)~~(G) *Affidavit Re Real Property of Small Value* (form DE-305);
  - ~~(G)~~(H) Affidavits or declarations under Probate Code section 13101;
  - ~~(H)~~(I) Bank statements for probate accountings; and
  - ~~(I)~~(J) 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)~~(e) **Sealed documents** Mandatory sealing

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.~~

(f) **Courtesy copies**

Unless otherwise ordered by the court, paper courtesy copies of all e-filed documents must be delivered to the clerk of the assigned department on the same day as they are e-filed or by the next court day if the relevant hearing is scheduled two or more court days after the date of filing.

*Rule 7.2 amended effective January 1, 2023~~July 1, 2022~~; adopted effective July 1, 2022.*